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COUNCIL JOURNAL

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF NEBRASKA,

SEVENTH SESSION.

BEGUN AND HELD AT OMAHA CITY,

DECEMBER 3, A. D. 1860.

PUBLISHED BY AUTHORITY.

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THOMAS MORTON,
OF THE "NEBRASKA CITY NEWS,"
PRINTER.
1860-61.

JOINT RULES

Of the Council and House of Representatives, Seventh Session Nebraska Legislature.

Reported by Messrs. Dundy and Strickland, Committee. (See page 32.)

1. In every case of an amendment of a bill agreed to in one house, and dissented to in the other, if either house shall request a conference, and appoint a committee for that purpose, and the other House shall appoint a committee to confer, such committee shall, at a convenient hour, to be agreed on by their chairman, meet and state to each other verbally, or in writing, as either shall choose, the reasons of their respective houses for and against the amendment, and confer freely thereon.

2. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the House by the door-keeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

3. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Council.

4. Messages shall be sent by such persons as a sense of propriety in each house may determine to be proper, and they shall be transmitted from one house to the other at any time, provided neither house shall have adjourned for a longer period than one day.

5. While bills are on their passage between the two houses, they shall be on paper, and under the signature of the Chief Clerk of each house respectively.

6. After a bill shall have passed both houses, it shall be duly enrolled by the Enrolling Clerk of the House of Representatives, or of the Council, as the bill may have originated in the one or the other house, before it shall be presented to the Governor of the Territory for his approval.

7. When bills are enrolled, they shall be examined by a joint committee of two from the Council and two from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills, as passed in the two houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective houses.

8. After examination and report, each bill shall be signed in their respective houses, first by the Speaker of the House of Representatives, then by the President of the Council.

9. After a bill shall have been thus signed in each house, it shall be presented by the said committee to the Governor for his approbation (it being first endorsed on the back of the roll, certifying in which house the same originated; which endorsement shall be signed by the Chief Clerk of the house in which the same did originate), and shall be entered on the journal of each house. The said committee shall report the day of presentation to the Governor; which time shall be carefully entered on the journal of each house.

10. All orders, resolutions and votes which are to be presented to the Governor of the Territory for his approbation, shall also, in the same manner be enrolled, examined and signed; and shall be presented in the same manner, and by the same committee as provided in cases of bills.

11. When the Council and House of Representatives shall judge it proper to make a joint address to the Governor, it shall be presented to him by the President of the Council, in the presence of the Speaker and both houses.

12. When a bill or resolution, which has been passed in one house shall be rejected in the other, it shall not be brought in during the same session without leave of two-thirds of that house in which it shall be renewed.

13. Each house shall transmit, in case they are demanded, all papers on which any bill or resolution shall be founded.

14. After each house shall have adhered to their disagreement, a bill or resolution shall be lost.

COUNCIL JOURNAL

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF NEBRASKA.

Council Chamber,
Monday, Dec. 3d, 1860.

At the first session of the seventh regular session of the Legislative Assembly of the Territory of Nebraska, begun and held at Omaha city, Douglas county, N. T.

The Council met at 2 o'clock P. M.

On motion of Mr. Taffe of Dakota,

James H. Seymour, of Douglas county, was appointed Chief Clerk pro tem.

On motion of Mr. Strickland of Sarpy,

The list of counties was called and the members claiming seats in this body were requested to present their certificates to the Clerk.

The following list of members elect was then made by the Clerk:

From the counties of Dakota, Dixon, Cedar and L'Eau qui court jointly—John Taffe.
Washington county—John A. Unthank.
Douglas county—John M. Thayer, David D. Belden, William A. Little.
Sarpy county—Silas A. Strickland.
Cass county—T. M. Marquette.
Otoe county—Wm. H. Taylor, John B. Bennett.
Nemaha and Johnson counties jointly—T. W. Tipton.
Richardson and Pawnee do —E. S. Dundy.
Cass, Otoe and Dodge do —Samuel H. Elbert.
Burt, Washington and Sarpy do —John Q. Goss.

Mr. Unthank of Washington, moved that Mr. Taffe of Dakota, be appointed President pro tem.

Carried.

Mr. Marquette of Cass, moved that a committee of three be elected to examine the credentials of newly elected members.

Carried.

Messrs. Marquette and Strickland were appointed tellers.

The Council proceeded to elect the committee by ballot.

Messrs. Tipton, Belden and Elbert having received a majority of all the votes cast, were declared duly elected.

On motion of Mr. Marquette of Cass,

The Committee on Credentials were instructed to retire and examine the credentials placed in their hands and report as soon as practicable.

The committee made the following report:

The undersigned Committee on Credentials beg leave to report, that, upon an examination of credentials, the following named individuals appear to have been elected members of the Council, at the election of October 9th, 1860: Silas A. Strickland, David D. Belden, T. M. Marquette, T. W. Tipton, John B. Bennett, John A. Unthank, William A. Little, John Taffe, John Q. Goss, John M. Thayer, Samuel H. Elbert, William H. Taylor, and E. S. Dundy.

All of which is respectfully submitted,

T. W. Tipton,
S. H. Elbert,
D. D. Belden.

On motion of E. S. Dundy,

Report adopted.

Mr. Dundy, moved that a committee of two be appointed to wait upon the Hon. J. Sterling Morton, Secretary of Nebraska, and request him to appear and administer the oath of office to the members.

Carried, and

The Secretary appeared and administered the oath of office to all except Mr. Dundy, who wished to affirm.

The Secretary refused to affirm Mr. Dundy, and retired.

Mr. Tipton of Nemaha, moved that a committee of two be appointed to wait upon His Excellency Samuel W. Black, Governor of Nebraska, and request him to affirm Mr. Dundy.

Carried.

Messrs. Tipton and Belden were appointed.

Whereupon the Governor appeared and administered the affirmation to Mr. Dundy.

On motion of Mr. Marquette of Cass,

The Council proceeded to a permanent organization.

Mr. Marquette, moved to elect officers of the Council viva voce.

Carried.

Nominations being now in order

Mr. Elbert, nominated for President of the Council the Hon. William H. Taylor of Otoe county.

No other nomination being made, and Mr. Taylor having received a majority of all the votes cast, was declared duly elected President.

Mr. Taylor made a few appropriate remarks, thanking the Council for the honor they had conferred upon him, and took the chair.

Mr. Marquette, nominated E. P. Brewster of Douglas county, for Chief Clerk.

Mr. Belden, nominated S. M. Curran of Douglas county, for Chief Clerk.

Mr. Brewster received eight votes.

Mr. Curran received five votes.

Mr. Brewster having received a majority of all the votes cast was declared duly elected Chief Clerk.

Mr. Taffe, nominated D. H. Wheeler of Cass county, for Assistant Clerk.

Mr. Goss, nominated Theodore Gilmore of Douglas county for Assistant Clerk.

Mr. Wheeler received eight votes.

Mr Gilmore received five votes.

Mr. Wheeler having received a majority of all the votes cast was declared duly elected Assistant Clerk.

Mr. Marquette, nominated W. H. James of Dakota county, for Sergeant-at-Arms.

Mr. Belden, nominated A. M. Snyder of Douglas county, for Sergeant-at-Arms.

Mr. James received eight votes.

Mr. Snyder received five votes.

Mr. James having received a majority of all the votes cast was declared duly elected.

Mr. Unthank, nominated D. C. Slader of Washington county, for Doorkeeper.

Mr. Goss, nominated William Thompson of Burt county, for Doorkeeper.

Mr. Slader having received a majority of all the votes cast was declared duly elected.

Mr. Dundy moved to elect an Engrossing and Enrolling Clerk.

Mr. Strickland moved to lay the motion on the table.

Ayes and nays demanded.

Ayes—Messrs. Belden, Bennett, Goss, Little and Strickland.—5.

Nays—Messrs. Dundy, Elbert, Marquette, Taffe, Thayer, Tipton, Unthank and Mr. President.—8.

Lost.

Mr. Dundy nominated S. R. Jamison of Richardson county for Enroling and Engrossing Clerk.

Mr. Belden nominated J. J. Graves of Douglas county.

Mr. Jamison received eight votes.

Mr. Graves received five votes.

Mr. Jamison having received a majority of all the votes cast, was declared duly elected.

On motion,

The Council proceeded to elect a Page.

Mr. Dundy nominated Master Joseph J. Unthank, of Washington county.

Mr. Belden nominated Master McShane of Douglas county.

Master Unthank received eight votes.

Master McShane received five votes.

Master Unthank having received a majority of all the votes cast was declared duly elected.

On motion,

The Council proceeded to elect a Chaplain.

Mr. Marquette nominated Rev. G. W. Barnes of Douglas county.

Mr. Barnes received twelve votes.

Mr. Wallenberg received one vote.

Mr. Barnes having received a majority of all the votes cast was declared duly elected.

Mr. Strickland moved that a committee of two be appointed to wait upon his Excellency the Governor and invite him into the Council chamber to administer the oath of office to the officers.

Carried.

Messrs. Strickland and Tipton were appointed such committee.

Whereupon the Governor administered the oath of office required by law.

On motion of Mr. Thayer,

A committee of three was appointed to wait upon the House and inform that body that the Council had permanently organized.

Messrs. Thayer, Tipton and Strickland were appointed said committee.

The committee returned and reported that they had discharged the duty assigned them.

Committee discharged.

On motion of Mr. Strickland,

The Council adjourned until to-morrow morning at 10 o'clock.

E. P. Brewster, Chief Clerk.

COUNCIL CHAMBER,
Tuesday, Dec. 4th, 1860.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read, corrected and approved.

On motion,

The oath of office was administered by the President to Mr. Jamison, Engrossing and Enrolling Clerk.

On motion of Mr. Strickland,

The Council took a recess three-quarters of an hour.

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11 o'clock A. M.

Council met.

President in the chair.

Messrs. Lockwood, Baker and Hyde, a committee of three from the House appeared and informed the Council that the House was permanently organized by the election of the following officers and were ready to proceed to business:

Hon. Henry W. DuPuy of Washington county, Speaker.
Geo. L. Seybolt of Cass county, Chief Clerk.
Stephen D. Bangs of Sarpy county, Assistant Clerk.
Francis M. Virden of Dakota county, Sergeant-at-Arms.
Thomas A. Polock of Nemaha county, Doorkeeper, and Frederick Renner of Otoe county, Engrossing and Enrolling Clerk.

A committee from the House appeared, and invited the Council to take seats within the Bar of the House, to hear any communication that His Excellency, Samuel W. Black, Governor, might have to make to the Legislative Assembly.

Mr. Goss moved that the Council retire in a body to the Hall of the House.

Carried.

The Council and House of Representatives of the Territory of Nebraska, in Joint Convention assembled.

The President of the Council in the Chair.

Mr. Taffe, moved that a committee of two on the part of the Council, and three on the part of the House, be appointed, to wait upon the Governor and inform him that the Legislative Assembly were in Joint Convention, and ready to hear any communication he might have to make.

Carried.

Messrs. Taffe and Belden from the Council, and Lockwood, Baker and Reddick from the House, were appointed such committee.

The committee reported that the Governor would communicate with the Legislative Assembly, in person, immediately.

MESSAGE:

Gentlemen of the Council and House of Representatives:

There is some significance in the language of the Organic Law relative to your powers and duties. When it is declared that the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States, it is plainly implied not only that none but rightful subjects will be undertaken, but also that the legislation itself will be rightful in its character, and as far as possible, beneficial in its results.

I respectfully commend it to your consideration, being persuaded that your desire is neither to exceed nor fall short of that which is committed to your hands. Good legislation is known by its fruits. These fruits are good practical results to the people, and are gathered by every good citizen in the common and ordinary pursuits of life. His prosperity, his protection, and his peace, are evidence that the public are not afflicted with any large amount of useless or unwise legislation, but if the industrious and most prudent of the people complain, it behooves the Legislature to examine how far the law is at fault, and in what respect remedies are in their hands. At your last session, I solicited your attention to certain existing evils which needed correction. In some cases requiring the amendment or repeal of defective laws, and in others new legislation when it was evident the enactment of laws was required. I urged then as I urge now the necessity of a law against serious rates of interest. Better have no money than buy it with the life blood of the needy and hard pressed of the people. It is in your power to furnish a remedy against the enormous evil of overwhelming usury, and it is clearly a power coupled with a duty. That duty on your part carries with it double force, for the courts can interpose no saving hand for relief. By the act of March the 14th, 1855, relating to account and interest, it is provided that judgment and decree for the payment of money shall draw the same rate of interest with the contract on which they are rendered, and such rate, if it exceed 10 per cent shall be expressed in the judgment or decree. The bargain may be cruel, hard-hearted, unconscionable and bloody; still the judge is bound by the law to enforce and express it in his decree. If the rate of interest called for by the contract shall exceed 10 per cent per annum, and shall reach 10 per cent per month, the judgment and decree, to the shame of equity and justice, must be for the usury. A well constructed law will very easily prevent or punish its violation, however cunningly the evasion or infraction may be contrived.

A law regulating the compensation of public officers was also pressed upon the attention of the legislature. It required then as it requires now, material alteration, and in almost every case material reduction. Why nothing was done to relieve the people from heavy taxes for the aggrandizement of a few, is better known to others than it is to me. It is perfectly well known, however, that the income of several officers in the Territory is far greater than it should be, and that the Territorial debt would be an easy burden if it were not for the issue of warrants to satisfy the claims of public officers; whose fees, in many cases, are four times as much as their services are worth. It is sometimes argued that the fees should not be made less, because the Territorial warrants are worth only fifty or sixty per cent on the dollar. That is, extravagant fees are first allowed, and to meet them a public debt is created in the shape of warrants. This debt accumulates with the annual increase of the fees, and the warrants of the Territory naturally fall in value, and they by whose legalized exactions the warrants are depreciated must needs be recompensed for the reduction.

I trust you will agree with me that this is not the least part of the inquiry. It is not worth while to attempt a calculation of the general wrong done to the community by the extravagant price paid to certain public officers, under the sanction of existing laws. It is enough to know that all suffer save only the favored few. I feel it to be my duty to call your attention again and with increased earnestness, to the evil. The remedy and responsibility are with you. The present mode of assessing, collecting and appropriating taxes, in the different counties of the Territory, is a matter of very general complaint, and calls for correction and reform. I am persuaded that you will give this your early consideration, and induce a salutary and general improvement. The first and most manifest reform is a reduction of the expenses, which, we all know, are burdensome and oppressive in the extreme. But the whole system needs to be remodeled, as you will not fail to see when the subject receives that careful investigation its importance demands.

By the Report of the Territorial Auditor, it appears that the debt of the Territory is about $52,960.37, and that the resources from taxes not yet collected, amount to $30,259.10. The County Treasurers not being obliged to settle except once a year, and almost twelve months having elapsed since they have paid in any thing to the Territorial treasury, the Auditor fixes the estimated amount in their hands at $15,000. The Auditor has made his report both interesting and useful. You will find that it contains a statement of the ways and means by which the Territorial debt has accumulated in five years to more than $50,000. Let the days of extravagance and enormous fees be numbered and cut short, and let a system of rigid and severe economy suited to the times and to our condition, be introduced and adopted, and that without delay. Were it my duty or proper, I could go into a full detail of needless expenses to which the people are subject, and from which it is your duty to relieve them. As for instance, the expense of sending a messenger for election returns when the County Clerk makes default for a certain number of days. Several hundred dollars are thrown away every year by this means, and without the slightest necessity or benefit, merely because the election law requires it. This is one of many which I am sure your vigilance will not fail to find out, and your faithful labors remove.

Having revised the revenue law and established a firm and honest system of economy, I recommend that the public debt shall receive careful attention. The amount of Territorial warrants outstanding on the 20th of Nov. 1860, was $46,960.37, and of Territorial bonds, $4,000. On these the estimated interest is $2,000. It might perhaps, be well to pass a law allowing the holders of present warrants to exchange them for bonds payable say in five or ten years, with coupons for semi-annual interest. I would certainly recommend this, especially if the holders of warrants would agree to a fair reduction of interest when the warrants are converted into bonds, and the payment of the interest every six months is made sure. This would be clearly an advantage to the Territory, and at the same time just and fair to the creditors. The warrants are mostly in second or third hands, having been bought at depreciated rates, or if not they are in the hands of those whose devouring fees have eaten up the substance of the people. But whether or not, it is every way better for the public creditors that moderate and certain interest should be accepted, than that large and unreasonable interest should be promised. The conversion of warrants into bonds would create a necessity for requiring a portion of the Territorial tax to be paid in money, and likewise would be one reason, in connection with many others, why the county treasurers should be compelled to make a semi-annual settlement with the Territorial Treasurer, instead of a yearly settlement which is all the present law requires.

Whether a sinking fund for the final liquidation and discharge of our whole debt is if bonded at present practicable, I leave entirely to your judgment and decision. I would respectfully suggest the manifest propriety of a regular appropriation bill being passed to meet the expenses of each year, with a positive prohibition of the issue of any Territorial warrants beyond the appropriation, and only for the purposes expressed in the law.

The Auditor in his report very justly remarks that the discretion to issue warrants under general laws, ought not to be conferred on him, or on any other person. The reports of the Territorial Treasurer and Librarian have been received and are herewith submitted.

The library is in much better condition than it ever was before, and has been largely increased within the last year, by the receipt from several States and Territories of valuable law and miscellaneous books, regularly sent in return for the Legislative journals and our Territorial laws. If the present system of management and care is continued for a few years, our library will not be among the least of valuable possessions.

On the 3d of last June, serious damage was done to the Capitol building by a severe storm which raged in this region on that day; Congress happened to be in session at the time, and an appropriation of $5,000 was promptly made for purposes of repair. Contracts were entered into as soon as possible, and the work of repairing damages was immediately commenced, and is now nearly completed. It is due to the contractors to say that they have faithfully fulfilled their agreements, and their work is an honest work, and the entire job as complete under the circumstances as it could have been made.

In a former communication I suggested a plan of indirect bounty, by which the growth of timber on our prairies might be successfully encouraged. I believe still that the plan is entirely practicable, and I know that it meets with general favor amongst the people. If every quarter section of land occupied by a settler was supplied with a reasonable amount of timber, the vast advantage would be visible to every eye and extend to every interest. Not the farmer alone, but the whole community, would receive and enjoy the benefit. That timber of the best varieties can be grown in a few years, is established; yet, comparatively, but very little has been planted. Would not a law exempting a certain portion of each person's land from taxation for a specified number of years, as a reward or bounty for the growth of timber, accomplish the desired result? If five acres out of every forty could be covered with a forest, it would be clear economy to set the entire forty free from taxation, and the amount withdrawn from the treasury would be wisely and well bestowed. To me, the subject seems to be one of serious importance, and not unworthy of your early notice and deliberation. Whatever may be the best means, the end, at least, is greatly to be desired.

I suppose we will entirely agree that an appropriate duty of the Territorial Assembly is to press upon the Federal Government the just claims which as a people we have on Federal care and protection. It is not to be denied that appropriations to this Territory have been both indifferent and few. Legislative memorials have hitherto accomplished but little, and we have all become familiar with disappointment. They may not always fail, and if *properly enforced*, we are not without hope of their ultimate success. An appropriation for the building of a penitentiary is of immediate necessity. The completion of the Capitol building is equally necessary and I will cheerfully co-operate with you in every endeavor that may be made to obtain from Congress the required appropriations. Without a bridge over the Loup Fork, the Government Road up the Platte Valley is but a work half done. This improvement is both a public and a military necessity; and not less required, but indeed a matter of fair and just demand, is an appropriation for at least one Military Road from some suitable point on the Missouri river, and south of the Platte, to Fort Kearney. The question of Gold in the western part of this Territory and of Kansas, is no longer doubtful nor open to debate. The travel to and from the mines during the past season has been, as you are well aware, immense. The incoming year will show a large and material increase. The vast emigration has been attended with considerable sickness and suffering, and in many instances death has ensued from the lack of accommodations, nursing and care. The Hospital attached to Fort Kearney is perhaps the only place on the whole route where those overtaken by sickness have any opportunity of being nursed and furnished with medical attendance. I have received the gratifying intelligence that the officers of that post, including those of the medical staff, have done everything in their power to relieve the sick and mitigate their sufferings. Their means are necessarily limited and the accommodations small. I believe it to be the duty, as it is clearly within the power of Congress, to establish at once a commodious Hospital for emigrants, at Fort Kearney, on some plan similar perhaps to that of the Marine Hospitals on the western waters. Nearly every state in the Confederacy is directly interested in this beneficent necessity, for the citizens of nearly every state are found in the great trains of emigrants passing and repassing between the shore of the Missouri and the gold fields of the West.

I commend the matter to your especial notice, and trust that you will make it the subject of an immediate and earnest memorial to Congress. I call your attention also to the necessity for an Arsenal of Deposit and Repair at some convenient place within this Territory. There is no establishment of the kind nearer than Fort Leavenworth, in Kansas. This is altogether too distant for any sudden emergency that might arise in or near Nebraska. Your appeal to the General Government would, I think, be successful, for at this time an immense quantity of arms and ammunition, left by the "Utah Army," are on deposit at Fort Kearney, which, in the spring, will probably be removed to Fort Leavenworth. Such an Arsenal would be of material advantage to us, and it would seem that it never can be more convenient for the Government to establish it, than now.

1 can not close this communication—the last regular message I shall have the honor to submit—without uttering the voice of direct appeal to you in your own behalf and that of the people at large. Our internal affairs call for the exercise of wisdom, sound judgment, patience, and an honest purpose.

These will not fail of producing prosperous results now, and permanent good in time to come. I believe to-day, and with no broken nor diminished confidence, in the wonderful capacity of Nebraska and in her ultimate and complete success. A soil so rich and prolific, a climate for most parts of the year so pleasant, and at all seasons so full of health, was not meant for a waste place nor a wilderness. God has written his decree of her prosperity deep in the earth, and develops His designs in the rejoicing harvests which return in smiling abundance to them who, betimes, have sown in tears. With an unfaltering trust it becomes us to believe, and to say that we believe that He will not suffer his own ordinances to fail, and the plain purposes of his own will to come short of completion.

The relation of a Territory to the General Government is peculiar, and one, in many respects, of entire dependence. Without the aid and fostering care of the Federal Government the territorial condition, especially at the beginning, would be deplorable indeed, and the great object of ultimate hope, the admission into "the Union" as a sovereign state, would be sadly distant and uncertain. The suggestions of self interest, and the loftiest patriotism should combine to make the people of the Territories faithful to the Constitution and firm in their attachment to "the Union." When one is the subject of open and frequent violation; and the other trembles on a sea of troubles, every good and conscientious citizen will ask himself the question, What can I do that my country may be saved? You can not shut your eyes, nor can I close mine to the fearful fact that this Confederacy is shaken to the centre and vibrates with intense feeling to its farthest borders. If it is not in our power to do something towards bringing back the days of other years when peace prevailed, let us at least do nothing towards making the present more gloomy, and the future at best, but hopeless.

Rather with one accord let us invoke the God of all peace, for "even the wind and the sea obey Him," that he will subdue the storm and quiet every angry element of alienation and discord.

SAMUEL W. BLACK.

Executive Chamber, Omaha, December 4th, 1860.

AUDITOR'S REPORT.

OFFICE OF THE TERRITORIAL AUDITOR,
Omaha, Dec. 1st, 1860.

Hon. Samuel W. Black,
Governor of Nebraska Territory:

Sir — In accordance with an act requiring an annual report from the Auditor, I herewith present for your consideration the following statement: Having, during the past year, opened a new set of books entire, I think it not inappropriate to go back to the beginning of transactions connected with this office, and report the amount appropriated for different purposes since that time up to the 20th ult.

Whole amount of Warrants drawn upon the Treasury from July 1st, 1855, to November 20th, 1860	$59,285 75
Credit the above with whole amount of Warrants redeemed to November 20th, 1860	12,325 38
Amount now outstanding	$46,960 37

Of the above there have been issued to different Accounts as follows:

Interest account	$1,520 35
Penitentiary account	663 35
Legislative expense account	11,252 00
Salary account of officers	8,119 56
Election messenger account	1,708 75
Census account of 1855	2,455 50
Incidental expense account	3,821 56
District Attorney account	18,418 93
Special appropriation account	7,330 90
Revenue account	3,994 85
	$59,285 75

LIABILITIES.

Amount of outstanding Warrants	$46,960 37
" " Bonds	4,000 00
Estimated interest due on Bonds and Warrants	2,000 00
	$52,960 37

RESOURCES.

Cass county	$5,882 76	
Dodge “	449 42	
Nemaha county	3,113 58	
Otoe “	5,817 59	
Douglas “	5,633 00	
Richardson “	1,913 19	
Johnson “	244 27	
Washington “	2,088 79	
Sarpy “	2,506 67	
Dixon “	117 39	
Pawnee “	410 37	
Dakota “	650 93	
Burt “	881 85	
Platte “	237 57	
Cedar “	170 38	
Gage “	141 34	$30,259 10
Excess of liabilities		$22,701 27

As the law requires annual settlements between the County and Territorial Treasurers, but little has been paid into the Territorial Treasury for nearly a year. It is fair to presume that about $15,000 is at present in the hands of, and will be paid in by, the County Treasurers within the next sixty or ninety days.

I have for some time past had it in contemplation to offer a number of suggestions to the Legislature relative to changes in the Revenue law that I thought would be beneficial, and in order to obtain all the information I could upon the subject I addressed a circular some weeks since to the different County Clerks, asking them to report the working of the present law and to suggest beneficial changes. I find in their responses a general disposition to have the law remain as it is for a while longer, notwithstanding they acknowledge many defects therein, but they think a change at this time would have a tendency to confuse those officers just now becoming familiar with the law, and perhaps be the means of their committing errors.

I deem it a matter of duty, however, to mention some things requiring a change. There are several laws of the territory authorizing the payment of money without specifying any rate, and parties have sometimes taken advantage of this fact, and presented accounts to me to audit, that from the enormity, I was compelled to decline settling. This sometimes creates trouble, and it should not be left to the discretion of the Auditor or any other one officer to say whether bills are right and just. I would, therefore, suggest that the Legislature pass, as it is customary, a regular appropriation bill, making appropriations for the different necessary expenditures, beyond which no warrant should be issued under any circumstances.

Section 62 of the Revenue law appears susceptible of different constructions. The County Treasurers claim a fee from the Territory for collecting the revenue of the Territory. I would like to have the present session of the legislature define this section more clearly.

I learn from rumor that some counties in the southern part of the Territory have taken it upon themselves to discard the levy of taxes made in 1859 by the Territorial Board of Equalization, and have made a levy to suit their views. I understand they do this upon the ground that the Territorial notice of the amount levied, was received by them a few days after the time required by law, and therefore not legal. I can positively state that the notices of the amounts assessed on each county was mailed in due time from the Auditor's office, and if there was any delay it occurred through the mails. I would therefore request, if it be necessary, that the Auditor's and Treasurer's business be legalized by special act, in order that the counties may be compelled to pay their just proportion.

I will be pleased to have a committee examine the books and accounts of this office.

Respectfully, &c.,

R. C. Jordan, Territorial Auditor.

TREASURER'S REPORT.

Office of the Territorial Treasurer,
Omaha, N. T., Nov. 15th, 1860.

Hon. Samuel W. Black,
Governor of Nebraska:

Dear Sir—I have the honor herewith to transmit, as the law requires, a statement of the condition of the treasury up to this date.

It will be seen that there has been but a small portion of the taxes levied for the year 1859, paid into the Treasury—many of the organized counties having failed to make any returns whatever, and some others only a small part of the amount assessed to them. The aggregate amount of taxes assessed to the several counties in the Territory under the late revenue law, for the year 1859, amounted to $19,615.47, and but $4,813.36 has been paid in, leaving $14,802.11 unpaid.

I would again suggest to the Legislature the propriety of amending the Revenue Law so that the County Treasurers shall be required to pay into the Territorial Treasury a certain portion in money, say one-half, Under the present law the County Treasurers can manage to pay all in warrants, including those recently issued as well as those of a longer out-standing. This is doing injustice to those holding warrants of an early date, and the holders of coupons for interest on the $4,000 loan; $1,625 of the latter is now due. These bonds are held, I believe, by parties who live abroad, and for the credit of the Territory, the interest should be promptly paid as it falls due. In accordance with an "Act authorizing the Territorial Auditor to issue warrants to the amount of $300 in favor of the Territorial Treasurer, for the purpose of purchasing a safe for the use of the Territorial Treasurer," he has purchased an excellent safe for $300 in Territorial warrants, which is in possession of the Treasurer.

The Legislature is requested to appoint a committee to examine the books of the Territorial Treasurer, and cancel the warrants he has on hand.

All of which is respectfully submitted.

W. W. Wyman,
Territorial Treasurer.

Territory of Nebraska, in account with W. W. Wyman, Territorial Treasurer.

1856.				Dr.	Cr.
May	14.	By	amount received of W. Caldwell, treasurer of Cass county, ...		$66.30
June	16.	By	amount received of Isaac Underwood, treasurer Dodge county, ..		20.20
do	16.	To	amount paid I. Underwood, treasurer, mileage and fees, ...	$14.20	
do	16.	By	amount received of W. Hoblitzell, treasurer Nemaha county, ...		30.00
July	1.	By	amount received of F. R. West, on territorial bonds, ...		4,000.00
1857.					
Jan.	1.	To	paid semi-annual interest on territorial bonds, ...	300.00	
Feb.	13.	By	amount received of J. W. Pearman, treasurer Otoe county, ...		250.00
July	7.	By	amount received of T. G. Goodwill, treasurer Douglas county, ...		377.67
do	18.	By	amount received of J. W. Pearman, treasurer Otoe county, ...		108.33
Aug.	13.	By	amount received of admin. T. G. Goodwill, treasurer Douglas co., .		978.06
do	15.	To	paid semi-annual interest on territorial bonds, ...	300.00	
Sept.	10.	By	amount received of J. D. H. Thompson, deputy treasurer Douglas co.,		260.00
1858.					
Jan.	4.	To	paid on interest due on territorial bonds, ...	55.00	
Dec.	16.	By	amount received of treasurer of Otoe county in warrants, ...		378.46
1859.					
Jan.	13.	By	amount received of treasurer of Otoe county in warrants, $766.88; in cash, $21 33, ...		788.21
Aug.	12.	By	amount received of Isaac Cook, treasurer Richardson county, for		

			tax of 1858: warrants, $187.25; cash, $12.75,		$200.00
Aug.	11.	To	allowed I. Cook, treasurer, mileage fees,	$25.00	
Oct.	15.	By	amount received of J. R. Little, treasurer of Johnson county, tax 1857, in warrants,		98.75
do	15.	To	allowed J. R. Little, treasurer, mileage fees,	20.00	
do	18.	By	amount received of J. R. Little, treasurer Jackson county, tax 1858: warrants, $30.25; cash, $14.58,		44.83
do	28.	To	allowed J. R. Little, treasurer, mileage fees,	20.00	
Dec.	10.	By	amount received of Silas J. Francis, treasurer Dodge county, taxes for 1859,		85.80
do	10.	By	amount received of J. W. Pearman, treasurer of Otoe county, taxes for 1859,		243.75
do	15.	By	amount received of J. D. Simpson, treasurer of Cass county, taxes for 1859,		60.85
do	28.	By	amount received of Jacob Strickler, treasurer Nemaha county, taxes for 1859,		437.95
do	28.	By	amount received of E. N. Grenell, treasurer Washington county, taxes for 1859,		348.92
do	28.	To	paid E. N. Grenell mileage fee,	4.40	
do	30.	To	paid on warrant No. 35,	100.00	
1860.					
Jan.	2.	By	amount received of A. M. Pollock, treasurer of Sarpy county, tax for 1859,		597.74
do	2.	To	To said A. M. Pollock, mileage and fee,	62.17	
do	2.	By	amount received of G. W. Forbes, treasurer of Douglas county, taxes for 1859,		2,069.37
do	2.	By	amount received of John Malone, treasurer Dixon county, taxes for 1859,		71.29
do	2.	To	paid John Malone mileage and fee,	33.12	
do	7.	By	amount received of F. F. Siming, treasurer Pawnee co., taxes 1859,		137.47
do	7.	To	paid F. F. Siming mileage and fee,	42.36	

Jan.	12.	By	amount received of treasurer of Dodge county, taxes of 1859, ...			$165.02
do	17.	To	paid interest on territorial bonds,		$120.00	
do	24.	To	amount paid on warrant No. 14,...		125.00	
Mc'h	14.	By	amount received of M. Pinkerton, treasurer Dakota county, taxes 1858,..........................			65.20
do	14.	To	paid M. Pinkerton mileage and fees,..............................		22.00	
May	14.	To	paid W. E. Harvey, warrant No. 909, 1859, ...		10.14	
June	5.	By	amount received of M. Pinkerton, treasurer Dakota co., taxes 1859,			77.50
do	5.	To	amount paid M. Pinkerton mileage and fees,............................		20.00	
do	8.	By	amount received of J. W. Pearman, treasurer of Otoe co., taxes 1859,			451.50
			To amount of warrants in the treasury,....	$10,907.66		
			To interest paid on warrants,..........	333.62		
					11,242.28	$12,414.17
			To balance, ...			101.80
					$12,515.97	$12,515.97
			Balance due the treasurer, ...		101.80	

LIBRARIAN'S REPORT.

Office of the Territorial Librarian,
Omaha, N. T., December 3, 1860.

To His Excellency, Samuel W. Black,
Governor of Nebraska:

Sir—I have the honor to submit herewith my second annual statement of the condition of the Territorial Library, including the number of books which have been received as donations from the different states of the Union to our Library, the number of those which have been issued during the past year according to law, the number of our Territorial publications now on hand, and a catalogue of the books, documents, &c., belonging to the Territory, now in my office.

When I received, at the hands of my predecessor, the few broken files of newspapers which he had received, I found that no furniture had ever been received by him of his predecessor, nor had he ever purchased any. I therefore commenced purchasing furniture for my office, and had just got the books arranged therein, when the storm of the fifth day of June last took the roof off the Capitol and left the books exposed to the storms that were then quite plenteous. I immediately removed my office to the Herndon House, where it remained until some two weeks since. In removing and refitting my office for a convenient library room, I have been obliged to be at considerable expense, and to put the Territory to a greater expense than I should otherwise have done.

I have experienced considerable difficulty in procuring the few broken files of newspapers which are now in my office, owing to the great irregularity and uncertainty of the mails in the Territory. I deem it advisable, therefore, to urge the passage of a law requiring each newspaper publisher in the Territory to furnish at the end of each volume of their publication, one complete copy or file of whatever journal they may publish, to the Librarian, who shall audit and approve any bill agreeing with their advertised rates, and draw upon the Auditor of the Territory for the issue of warrants to the full extent of said bill. When said copy of any journal is received, it can only be preserved by binding in a good and substantial manner. Hence, I again request you to urge upon the Legislative Assembly an appropriation to defray the expenses of binding all the files of newspapers now in my possession.

By carefully preserving these diaries of the ever fleeting present, can we alone hand down to our posterity the progressive history of our fair young Territory. Without these files of newspapers, biographers and historians may look in vain for data of past events, and the world will, however willing, be unable to look with an admiring eye upon the individual achievements of our philosophers and statesmen.

Even the publications of the first Legislative Assembly are now nearly extinct, and soon, without some fostering hand to preserve them, we will have no record of the action of that honorable body.

When I received the Library there was to be found *not a single copy* of either the Laws or Journals of the House of Representatives of the first session of the Legislative Assembly.

There are now on hand of the Laws of the third session 405 copies; of the fourth session 667 copies; of the fifth session 304 copies, and of the sixth session 1263 copies—aggregate number, 2639 volumes. And there are now on hand of Journals, 4299 volumes—making the total number of volumes of our own publications now on hand, 6938. There are in this branch of the Library 1332 volumes of Congressional and other documents, and about 400 of public documents from the states and territories—making the whole number about 8760 volumes. There are about 1360 volumes of Law Reports from different states and the United States Supreme Court; about 200 English Law Reports, and of the United States Statutes at large, and the Statutes of the different states, about 200 volumes—making of the Law Library about 1760 volumes. In the Family or Miscellaneous Library, there are 238 volumes, which, added to the Law and Documental branches, make the aggregate number of 10,668 volumes.

I have purchased for the Library Room one of Johnson's County Maps of the Republics and North America; one Johnson's Rail road and Township Map of the Middle States; a sectional Map of Iowa; Colton's New Map of Missouri, and Johnson's sectional Map of Kansas and Nebraska. I have also had mounted twenty of the latest Maps issued by the War Department, showing the Territory of the United States from the Mississippi valley to the Pacific ocean.

I have also to report that I have taken the liberty to sell copies of the Laws to persons residing outside of the Territory at twenty-five cents per copy; and to persons residing in the Territory I have given the privilege of going to one of the Judges, as provided by law, and getting an order for the Laws, on paying me twenty-five cents per copy.

I have now on hand subject to the order of the Legislative Assembly, $2.75, which I have received in the manner above described; and I hope the Legislative Assembly will endorse my action, as I have taken the responsibility of selling Territorial property in the absence of law *pro* or *con*.

Hoping your Excellency will urge upon the Assembly now about to convene, the necessity of takiug some important steps, which I have recommended, and that that Honorable body will look to their future interests in carefully guarding that which is now in their possession, I have the honor to submit the above, the following catalogue, and to be

Your very obedient servant,
ALONZO D. LUCE,
Territorial Librarian.

MISCELLANEOUS OR FAMILY LIBRARY.

Adams, John, Life of, 7 vols., by Chas. F. Adams.

Birds of America, 7 vols., by John James Audubon; British Poets, 58 vols.; Boswell's Life of Johnson, 10 vols.; Bancroft's History of the United States, 6 vols.; Brande's Encyclopedia; Brazil, Travels in, by John Maws.

Central America, Travels in, by Jno. S. Stevens, Esq.; Calhoun, John C., 4 vols., by R. K. Cralle; Cook's Voyages, 2 vols, by Capt. James Cook; Crabbe's Synonymes; Canoe Voyage, 2 vols., by J. W. Featherstonhaugh; Chile and La Plata, Travels in, by John Miers.

Democracy in America, by Mon. De Tocqueville; DeWitt Clinton, Life and Writings of, by W. W. Campbell.

Elliott's Debates on the Constitution, 4 vols.; Encyclopedia Americana, 14 vols.

Franklin, Benjamin, the Works of, 10 vols, by Jared Sparks; Francais' Reign of Terror, 2 vols., by J. P. and W. P. Robertson.

Harris on Thunder Storms, 1 vol.; Hoare on the Grape Vine, 1 vol.; Hamilton, Alexander, the Works of, 7 vols., by John C. Hamilton; Holy Bible.

Irving's Works, vols. 34, 8 and 11; Iroquois, the League of, by Lewis H. Morgan.

Monette's Valley of the Mississippi, 2 vols.; Madison Papers, 3 vols., by Henry D. Gilpin.

Nicaragua, its People, Scenery, &c., 1 vol., by E. G. Squier; Naturalist's Dibrary, 38 vols.

Ossian, Poems of, by James McPherson, Esq.

Peru, Prescott's Conquest of, 2 vols, by Wm. H. Prescott; Puritans, History of, 3 vols., by Daniel Neal; Principles of Beauty in Art, by Jas. Ferguson, F. R. A. S.

Rural Cemeteries, by James Smillie.

Sparks American Biography, 23 vols.; Statesman's Manual, vols. 3 and 4.

Tehuantepec, the Isthmus of, by J. J. Williams.

Vermont, History of, by B. H. Hall.

Washington, George, Life and Writings of, 12 vols., by Jared Sparks; Washington and Adams, Administrations of, 2 vols., by George Gibbs; Webster, Daniel, the Works of, 6 vols.; Webster's Diplomatic and Official Papers, 1 vol.; Webster's Dictionary, 1 vol., by Noah Webster.

LAW LIBRARY.

Alabama.

Laws of 1856-7-8; new series of Reports of; vols. 25, 26, 27, 28, 29, 30, 31 and 32; new series of law Reports; second biennial Geological report of.

Arkansas.

Vols. 1, 2, 3, 4, 5 and 16 English's Reports of; vols. 1, 2, 3, 4, 5, 6, 7, 8, Reports of; vol. 6, Pike's Rep.

Received—Digest of Statutes of Arkansas, 1858; first vol. Geological Report of; Digest of the Statutes of 1858; one vol. Geological Rep.

California.

Vol. 3, 4, 5, 6, 7, 8, 9, 10, 11, Duplicate Copies; Reports of; Statutes of, from '54 to '57 inclusive; Statutes of '58 and '59; Senate and Assembly Journals, and Appendix to, of 5th to 10th session inclusive—(Dup.)

Received—Senate and Assembly Journals and Appendix to, and Statutes of 11th session; Governor's Message; transactions of State Agricultural Society.

Connecticut.

Vols. 2 to 22 inclusive Reports of; vols. 3 and 4 private laws of; Compilation of 1854 laws of; Public Laws of 1855-6-7.

Received—Laws of 1860; public acts of 1858-9; Journals of Assembly 1858; New Haven Colonial Records, 2 vols.; Colonial Records of Connecticut, 1 and 2; transactions of State Agricultural Society, 1859.

Delaware.

No Reports or Laws received.

Florida.

Vol. 4, 5, 6, Report of; duplicate Journal House of Representatives 7th session; duplicate Journal of Senate 7th session; duplicate Journal House of Representatives, 8th session.

Received—Duplicate copies Journal and Laws of 10th session of Assembly; duplicate Journal Senate, 8th session; duplicate Journal House of Representatives 9th session; duplicate Laws 8th and 9th session; vols. 7 and 8, Reports of.

Georgia.

Vols. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, Reports of.
No Reports or Laws received.

Illinois.

Vol. 1, 3, 4, Scammon's Reports of; vols. 1, 2, 3, 4, 5, Gilman's Reports of; vols. 11, 12, 13, 14, (duplicate) 15, 16, 18, 18, 19, 20, Reports of; vols. 1, 2, Freeman's Digest of Reports; Laws of 1854 to 1857 inclusive; vols. 1, 2, Statutes of, D. B. Cook & Co.'s edition; three copies of Laws of 1859; Governor's Message.

Received—Vol. 21, 22, Illinois Reports and Laws of 1860, duplicate.

Indiana.

Reports 1848-49; vols. 1, 2, Carter's Reports of; vols. 3, 4, 5, 6, 7, Porter's Reports of; vols. 8, 9, Tanner's Reports of; Assembly Journals 1857; Revised Statutes.

No Laws or Reports received.

Iowa.

Vols. 1, 2, 3, G. Green's Reports of; vols. 1, 2, 3, 4, 5, 6, Clark's Reports of; Statutes 1853; Code of Iowa, 1851; Schools Laws, 1855; Laws of 1857; Code of 1856; Laws of 1858.

Received—Vol. 7, 8, Clark's Reports; Laws of 1859-60.

Kansas Territory.

Statutes 1855; Laws 1857-58; Journals of House and Council 1857, 1858.

Received—Laws and Journals of Legislative Assembly, 1859.

Kentucky.

Vols. 1 to 7 inclusive, Monroe's Report of; vols. 1 to 9 inclusive, Dana's Report of; vols. 1 to 10 inclusive, 12 to 15 inclusive, B. Monroe's Reports; Revised Statutes of 1852; vols. 1 to 7 inclusive, J. J. Marshall's Reports; Governor's Message, and Laws of 1859-60; vols. 1, 2, Monroe & Harlan's Digest of Reports of; acts of Kentucky (tripulate copies), 1853-54; acts of Kentucky (duplicate copies), 1855-56; vol. 1 Metcalf's Reports; Revised Statutes, by R. H. Stanton, 2 volumes.

Received—Vol. 2, Metcalf's Reports of.

Louisiana.

Vols. 1 to 10, Martin's Reports of; vols. 1 to 10, Louisiana Reports; vols. 1 to 12, Robinson's Reports.

No Laws or Reports received.

Maine.

Vols. 1 to 44 inclusive, Reports; Revised Statutes 1857; Laws 1857-8-9, duplicate copies; vols 43, 44, Reports of; Virgin's Digest of.

Received—Vol. 45, Maine Reports.

Maryland.

Vol. 1 to 9, Gill's Reports of; Laws of 1856-58; Convention Journals 1851; Senate and House Journals 1856-7-8,

Received—Public Laws of Maryland, vols. 1, 2; Laws of 1860.

Massachusetts.

Vols. 1 to 6 inclusive, Gray's Reports: vols, 1 to 17 inclusive, Reports of; vols. 1 to 21 inclusive, Pickering's Reports; 1 to 12 inclusive, Metcalf's Reports; vols, 1 to 11 inclusive, Cushing's Reports; Catalogue of State Library; Laws 1856-7; 9 vols. Plymouth Colony Record; Public Documents 1858-59.

Received—Vol. 7, Gill's Report; Laws and Public Documents 1860.

Michigan.

Vol. 1, Manning's Reports; vol. 1, Walker's Chancery Reports; vols. 1, 2, Douglas Reports; vols. 2, 3, 4, Gibb's Report; Laws 1857; vols. 1, 2, Cooley's Reports; Laws of 1859; School Reports of 1855-6-7; Transactions Agricultural Society 1857.

Received—Laws 1860.

Minnesota.

Statutes of from 1849 to 1858; Laws of 1858 and 1859; Constitutional Debates of; Vol. 1, Reports of

Received—Laws and Journals of Assembly of 1860; Bank Report and Governor's Message.

Mississippi.

Vol. 1 to 14 inclusive, Smeed's & Marshall's Reports; 1, 2, Cushman's Reports; vol. 24, Mississippi Reports; vols. 3, 4, George's Reports; Assembly Journals 1858; Laws of 1858.

Received—Laws 1859 and 1860.

Missouri.

Vol. 4 to 9, 11 to 22, 24 to 26, Report of; Digest of Report Casselberry.

Received—Laws of 1859; Laws of 1857; Barkley's Digest of Reports.

New Hampshire.

Vol. 1 to 12 inclusive, Reports of; 13, 19, Second Series of Reports of 1 to 10 inclusive, Foster's Report of; 1, 2, 3, 4, Foggs' Report of; Bell's Digest Report of; Laws of 1858; Journals of Assembly, 1856 to 1859 inclusive; Vol. 5, 6, Fogg's Reports; 12th Report of Common Schools; Catalogue of State Library.

Received—Laws of 1859 and 1860.

New Jersey.

Vol. 1, Green's Report of; 2, 3, 4, Harrison's Report of; 1, Spencer's Report of; 1, 3, Southard's Report of; 1, 2, 3, 4, Zabriskie's Report of; 1, 2, 3, Green's Chancery Report of; 1, 2, Stockton's Chancery Report of; Nixon's Digest of Laws 1709 to 1755; Laws of 1855, 1856, 1857; Vol. 2, Dutcher's Report; Laws 1859.

Received—Laws 1860.

New York.

Vol. 1 to 20 inclusive, Johnson's Report; 1 to 11, Paige's Chancery Reports; 1 to 9, Cowen's Reports; 1 to 26, Wendell's Reports; 1 to 70, Hill's Reports; 1 to 5, Denio's Reports; 1 to 4, Court of Appeals, 'Comstock'; 1 to 4, Smith's Reports; 1 to 7, Johnson's Chancery Reports; 1, Hopkins' Chancery Reports; 1, 2, 3, Revised Statutes, 2nd edition from 1828 to 1835; Laws of New York from 1836 to 1859 inclusive; 1 Vol. Tax Laws; Index to Laws from 1842 to 1855; Code of Public Instruction; General Index to Laws of 1842; Code of Civil Procedure. Code of Criminal Procedure; 1 Vol. Poor Laws; Vol. 1, 2, 3, 4, Reports of the Commissioners on Practice and Pleadings, of Code of Procedure; 1 Supplement to the Code Procedure; Special Acts of Code of Civil and Criminal Procedure; Vol. 1 to 10 inclusive, Colonial History; Convention Journal, 1846; 11 copies 71st Report Regents University; 1 copy 11th Report Regents University; 1 copy 72nd Report Regents University; 22 Vol. Documents Assembly, 1857 to 1859; Report of Trustees State Library; Vol. 1 to 3, Johnson's case; 1, 3, to Cames' Report; 1, 2, 3, Barbour's Chancery Report; Parker's Criminal Report, 2 Vol.

No Laws or Reports received.

North Carolina.

Vol. 1 to 13 inclusive, Iredell's Law Reports; 1, Busbee's Law Reports; 1, Jones' Digest of Reports; 2 to 5, Jones' Law Reports; 1, 2, Devereux's Equity; 1 to 8 inclusive, Iredell's Equity; 1, Busbee's Equity; 2, 3, Jones' Equity; Revised Code of 1855; Laws of 1854, 1855, 1856, 1857.

No Laws or Reports received.

Ohio.

Vol. 1 to 9 inclusive, Hammond's Revised Reports; 1 to 6 inclusive, Hammond's State Reports; 1 Supreme State Reports; 1 Swann's Statutes, Derby's Edition; 7, 8, Ohio State Reports; Duplicate copies Ohio School Laws, 1858; Laws of Ohio, 1858; Nash's Digest.

Received—Laws of 1859.

Oregon.

Laws of 1857, 1858; Journals of Council and House, 1857, 1858.

Received—Laws and Journals of 1859.

Pennsylvania.

Vol. 1, 2, 3, 4, Dallas's Reports; 1, 2, 3, Reports of; 1 to 10 inclusive, Watt's Reports; 10 to 4, 6 to 9 inclusive, Watts and Seargant's Reports; 1 to 17 inclusive, Seargent and Rawl's Reports; Vol. 1 to 23 inclusive, and Vol. 25 State Reports; Laws of from 1789 to 1850, 1856, 1857, 1858 and 1859.

Received—Laws 1860; Governor's Message and Public Documents 1860.

Rhode Island.

Vols. 1, 2, 3, 4, 5, Reports of; Laws of 1855, 1856, 1857, 1858, 1859; Laws January and May sessions of 1858; Revised Statutes of; 4 Vols. Colonial Records; Supplement to Revised Statutes; Index to Acts and Resolutions, 1758 to 1850; Census of the Colony 1774; Report General Assembly 1856, 1857, 1858, 1859; Laws of January session, 1860.

South Carolina.

Vol. 1 and 2 McCord's Report of; vol. 1 and 2 Nott and McCord's Reps.; vol. Harper's Law Rep.; vol. 9 Richardson's Law Rep.; vol. 1 Bailey's Equity do.; vol 1 to 4 Equity Rep.; vol. 1 Cheever Law Cases; vol. 1 Cheever Chancery Cases; Acts, Rep. of General Assembly 1852;

No Laws or Reports received.

Tennessee.

Vol. 2, 3, 4, Sneed's Reports.

Received—Vol. 5, Sneed's Reports; Laws of 1859 and '60; Pub. Docs. and papers of As. '59, '60; Duplicate copies Code of; Laws of 1857 and 1858; Report of State Officers.

Texas.

Vol. 11, 13, 14, 15, 16, 17, 18, 19, 20, Reports; vol. 1 Digest of Rep.; Laws of 1855, 1856; Codes of 1857; Laws of 1857 and 1858; Oldham's and White's Digest Law; House and Senate Journals.

Utah Territory.

Revised Laws of 1855.

Received—Laws of 1858.

Vermont.

Received—Vol. 28, 29, 30, Williams' Rep.; Laws of 1858; Catalogue of State Library; History of, by B. H. Hall; Sermon delivered before the General Assembly; Report of the Geological survey; Report on the Marbles of Vermont; Report of the Auditor of Accounts; Report of the Railroad Commissioner, 3d Report; Report of the Board of Education, 2d Report; Laws and Documents of Assembly of 1859, '60; Report of Auditor of Apc. '59; Report on the Artificial of Fish; Report of Committee on Dred Scott decision; Report Geological Report of 1859; Journals of Assembly, 1856, '57, '58, '59; First Registration Report, &c.; vol. 1 to 24 inclusive, Reports of; vol. 1 and 2 Tyler's Reports; vol. 1

Chapman's Reports; Reports of Cases 1793, 1821, '24; Reports of State Officers.

Virginia.

Vol. 1, 2, 3, 4, Hewing and Montfort's Reports; vol. 1, 2, 3, 4, 5, 6, Munford's Reports; vol. 1 and 2 Robinson's Reports.

Received—Journal of House Delegates; 1, 2, 3. 4, 5, parts December; 1, 2, 3, 4, 5, 6, Randolph's Reports; 1 State Reports; 1 to 12 inclusive Lee's Reports; session 1857, '58; Laws of 1857, '58; No Laws or Reports received.

Washington Territory.

Laws of 1856, '57; Journal of Council and House, 1856, '57.

Received—Laws of 1858; Journals of 1858; Laws and Journals of Assembly of 1859, '60.

Wisconsin.

Vol 1 to 5 inclusive, Reports of; vol. 1 to 4 inclusive, Chandler's Reports.

Received—Vol. 6 Wisconsin Reports; Private Laws of 1854; Laws of 1854; Private Laws of 1857; Laws of 1857; Private Laws of 1858; Revised Statutes of 1858.

MISCELLANEOUS LAW LIBRARY.

Abbott on Shipping, 1 vol.; Adams on Ejectment, 1 vol.; Adams on Equity, 1 vol.; Angell on Law of Carriers, 1 vol.; Angell on Fire and Life Insurance, 1 vol.; Angell on Limitations, 1 vol.; Archbold's Criminal Practice and Pleading, 3 vols.

Bacon's Abridgment, 10 vols.; Beck's Medical Jurisprudence, 2 vols.; Bishop on Marriage and Divorce, 1 vol.; Bingham on Infancy, 1 vol.; Blackstone's Commentaries, Chitty, 2 vols.; Bright on Husband and Wife, 2 vols.; Browne's Civil and Admiralty Law, 2 vols.; Browne on Statute of Frauds, 1 vol.; Broom's Legal Maxims, 1 vol.; Bouvier's Law Dictionary, 2 vols.; Bouvier's Institutes, vol. 2; Burrill's Law Dictionary, 2 vols.

Cobb on Slavery, 1 vol.; Conkling's Treatise, 1 vol.; Curtis on Copyright, 1 vol.; Curtis on Patents, 1 vol.; Chitty on Bills, 1 vol.; Chitty's Pleading, 3 vols.; Chitty's Criminal Law, 1 vol.; Coke upon Littleton, 2 vols.

Dayton on Surrogates, 1 vol.; Dunlap's Admiralty Practice, 1 vol.; Dunlap's Paley's Agency, 1 vol.; Donat's Civil Law—Strahan, 1 vol.

Edwards on Receivers in Equity, 1 vol.; Edwards on Bills and Promissory Notes, 1 vol.; Edwards on Bailments, 1 vol.; English Law and Equity Reports, 24 vols.; English Common Law Reports, 91 vols.; English Chancery Reports, 43 vols.; English Courts of Admiralty Reports (Robinson), vol. 6; Exchequer Reports, Crompton and Jervis, 2 vols.; Exchequer Reports, Crompton, Meeson and Roscoe's, 2 vols.; Exchequer Reports, Crompton and Meeson's, 2 vols.; Exchequer Reports, McLeland and Younge's, 1 vol.; Exchequer Reports, Younge's, 1 vol,; Exchequer Reports, Younge and Jervis, 3 vols.; Exchequer Reports, Welsby, Hurlstone and Jordon's, 10 vols.; Exchequer Reports, Meeson and Welsby's 16 vols.; Earne on Remainders, 2 vols.

Graham's and Waterman's New Trials, 3 vols., Gow on Partnership, 1 vol.; Gould's Pleadings, 1 vol.; Greenleaf's Overruled Cases, 1 vol.

Hilliard on Mortgages, 1 vol.; Hawkins' Pleas of the Crown, 2 vols,; Hill on Trustees, 1 vol.

Jarman on Wills, 2 vols.

Kent's Commentaries, 4 vols.; Kyd on Awards, 1 vol.

Leading cases in Equity (Hare and Wallace's Notes), 3 vols.

Marshall on Insurance, 2 vols.; Mitford's Chancery Pleadings (English), 1 vol.; Miscellaneous Library, 253 vols.; Morehead's Practice, 1 vol.

Parsons on Contracts, 2 vols.; Phillips on Insurance, 2 vols.; Phillips on Evidence, 5 vols.

Roberts on Frauds, 1 vol.; Roper on Legacies, 2 vols.; Roscoe's Criminal Evidence, 1 vol.; Russell on Crimes, 1 vol.

Saunders on Pleadings and Evidence, 3 vols.; Sedgwick on Measure of Damages, 1 vol.; Sheppard's Touchstone, 3 vols.; Smith's Commentaries on Constitutional Construction, 1 vol.; Smith's Leading cases, 2 vols.; Starkie on Slander, 2 vols.; Story on Agency, 1 vol.; Story on Bailments, 1 vol.; Story on Constitution, vol. 2; Story on Contracts, 1 vol.; Story on Conflict of Laws, 1 vol.; Story on Equity Pleadings, 1 vol.; Story's Equity, vol. 2; Story on Partnerships, 1 vol.; Story on Sales, 1 vol.; Sugden on Vendors, 1 vol.

The Reporters, by John W. Wallace, 1 vol.

U. S. Statutes, Reports, &c.—Cranch's Reports of, vols. 3 to 9 inclusive; Wheaton's Reports of, vols. 1 2, 3, 4, 5, 7, 8, 9, 10 11, 12; Peter's Reports of, vols. 1 to 16 inclusive; Howard's Reports of, from 1 to 21 inclusive; McLean's Reports of, vols. 1 to 6 inclusive; Gordon's Digest of; Opinions of Attorneys General, from 1789 to 1850; Opinions of Attorneys General, vols. 1 to 5 inclusive; Statutes at Large of, vol. 1 to 11 inclusive; Digest of Laws of, from 7 to 14 inclusive; Annals of Congress of, from its first session to the 2d vol. of the first session of the 18th Congress, 55 vols.; American Archives of, from 1774 to 1776, 6 vols.; Documents of Congress, 1092 vols.; Exploring Expedition of Charles Wilkes, 10 vols.

Viner's Abridgment, 24 vols.; Viner's Supplement, 6 vols.

Waterman's Eden on Injunctions, 1 vol.; Wheaton's Selwyn, 2 vols.; Wigram on Discovery, 1 vol.; Willard's Equity Jurisprudence, 1 vol.

Received—The Monthly Journal of American Geographical and Statistical Society, 9 vols.

Mr. Clark of Douglas, moved,

That the Joint Convention adjourn *sine die*.

The Council resumed business.

Mr. Strickland moved,

That the following rules be adopted for the government of the Council during the present session.

Carried.

STANDING RULES FOR THE COUNCIL.

1. The President having taken the chair, and a quorum being present, the journal of the preceding day shall be read, to the end that any mistake may be corrected that shall be made in the entries. A quorum shall consist of a majority of the members of the Council.

2. No member shall speak to another, or otherwise interrupt the business of the Council, or read any newspapers while the journal or public papers are reading, or when any member is speaking in any debate.

3. Every member when he speaks shall address the chair, standing in his place, and when he has finished shall sit down.

4. No member shall speak more than twice in any one debate on the same day without leave of the Council.

5. When two members rise at the same time, the President shall name the person to speak; but in all cases, the member who shall first rise and address the chair shall speak first.

6. When a member shall be called to order by the President or Councilman he shall sit down; and every question out of order shall be decided by the President, without debate, subject to an appeal to the Council, and the President may call for the sense of the Council on any question of order.

7. If the member be called to order for words spoken, the exceptionable words shall immediately be taken down in writing, that the President may be better enabled to judge of the mattter.

8. No member shall absent himself from the service of the Council without leave of the Council first obtained. And in case a less number than a quorum of the Council shall convene, they are hereby authorized to send the Sergeant-at-Arms, or any other person or persons by them authorized, for any or all absent members, as a majority of such members present shall agree, at the expense of such absent members, respectively, unless such excuse for non-attendance shall be made as the Council, when a quorum is convened, shall judge sufficient; and in that case, the expense shall be paid out of the contingent fund. And this rule shall apply as well to the first convention of the Council at the legal time of meeting, as to each day of the session after the hour has arrived to which the Council stood adjourned.

9. No motion shall be debated till the same shall be seconded.

10. When a motion shall be made and seconded, it shall be reduced to writing, if desired by the President or any member, delivered in at the table and read, before the same shall be debated.

11. When a question is under debate, no motion shall be received, but to adjourn, for the previous question, to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend, which several motions shall have precedence in the order they stand arranged.

Any motion may be withdrawn by the mover at any time before a decision, amendments, or ordering of the yeas and nays, except a motion to reconsider; which shall not be withdrawn without leave of the Council.

A motion to adjourn shall always be in order; that and the motion to lay on the table, shall be decided without debate.

12. If a question in debate contain several points, any member may have the same divided; but on motion to strike out and insert, it shall not be in order to move for a division of the question; but the rejection of a motion to strike out and insert one proposition, shall not prevent a motion to strike out and insert a different proposition; nor prevent a subsequent motion, simply to strke out; nor shall the rejection of a motion simply to strike out, prevent a subsequent motion to strike out and insert.

13. In filling up blanks, the largest sum and longest time shall be first put.

14. When the reading of a paper is called for and the same is objected to by any member, it shall be determined by a vote of the Council, and without debate.

15. The unfinished business in which the Council was engaged at the last preceding adjournment, shall have the preference in the special orders of the day.

16. When the ayes and nays shall be called for by three of the members present, each member called upon shall, unless for special reason he be excused by the Council, declare openly and without debate, his assent or dissent to the question. In taking the ayes and nays, and upon the call of the house, the names of the members shall be taken alphabetically.

17. When the ayes and nays shall be taken on any question in pursuance of the above rule, no member shall be permitted, under any circumstances whatever, to vote after the decision is announced from the chair.

18. On a motion made and seconded to shut the doors of the Council, on the discussion of any business which may, in the opinion of a member, require secrecy, the President shall direct the gallery to be cleared; and during the discussion of such motion, the doors shall remain shut.

19. No motion shall be deemed in order, to admit any person or persons whatsoever within the doors of the Council Chamber to present any petition, memorial, or address, or to hear any such read.

20. When a question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after a bill, resolution, message, report, amendment or motion upon which the vote was taken, shall have gone out of the possession of the Council, announcing their decision; nor shall any motion for reconsideration be in order, unless made on the same day on which the vote was taken, or within the next two days of actual session of the Council thereafter.

21. The President of the Council or President pro tempore shall have the right to name a member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

22. After the journal is read, the President shall first call for petitions, and then for reports from standing committees; and every petition or memorial, or other paper, shall be referred, of course, without putting a question for that purpose, unless the reference is objected to by a member at the time such petition, memorial, or other paper is presented. And before any petition or memorial addressed to the Council shall be received and read at the table, whether the same shall be introduced by the President or a member, a brief statement of the contents of the petition or memorial shall verbally be made by the introducer.

23. The following shall be the order of business:

1. Reading the Journal.
2. Petitions and Memorials.
3. Reports from Standing Committees.
4. Reports from Select Committees.
5. Resolutions.
6. Notices and introduction of Bills.
7. Bills on first Reading.
8. Bills on second Reading.
9. Special Order.
10. Bills on third Reading.
11. Bills on their Passage.
12. Special Orders of the Day.
13. Unfinished Business.

24. One day's notice, at least, shall be given of an intended motion for leave to bring in a bill; but no paper or document shall be printed for the use of the Council, without special order.

25. Every bill shall receive three readings previous to its being passed; and the President shall give notice at each, whether it be the first, second or third; which readings shall be on three different days, unless the Council unanimously direct otherwise. And all resolutions to which the approbation and signature of the Governor may be requisite, or which may grant money out of the contingent or any other fund, shall be treated, in all respects, in the introduction and form of proceedings on them, in the Council, in a similar manner with bills; and all other resolutions shall lie on the table one day for consideration, and also reports of committees.

26. No bill shall be committed or amended until it shall have been twice read, after which it may be referred to a committee.

27. All committees shall be appointed by the chair, unless otherwise directed by the Council.

28. All bills on a second reading shall first be considered by the Council in the Committee of the Whole, before they shall be taken up and proceeded on by the Council, agreeably to the standing rules, unless otherwise ordered. And when the Council shall consider a bill or resolution, as a Committee of the Whole, the President or President pro tempore shall call a member to fill the chair during the time the Council shall remain in Committee of the Whole; and the chairman so called shall, during such time, have the power of a President pro tempore.

29. The final question, upon the second reading of every bill, resolution or motion originating in the Council, and requiring three readings previous to being passed, shall be, "Whether it shall be engrossed and read a third time?" and no amendment shall be received for discussion at a third reading of any bill, resolution or motion, unless by unanimous consent of the members present; but it shall at all times be in order before the final passage of any bill, resolution or motion, to move its commitment; and should such commitment take place, and any amendment be reported by the committee, the said bill, resolution, or motion shall be again read the second time and considered in Committee of the Whole, and then the aforesaid question shall be again put.

30. The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted on the journals.

31. The proceedings of the Council, when not acting as in Committee of the Whole, shall be entered on the journal as concisely as possible, care being taken to detail a true and accurate account of the proceedings; but every vote of the Council shall be entered on the journal, and a brief statement of the contents of each petition, memorial or paper, presented to the Council, shall also be inserted on the journal.

32. When motions are made for reference of the same subject to a select committee, and to a standing committee, the question on reference to the standing committee shall be first put.

33. When nominations shall be made in writing by the Governor to the Council, a future day shall be assigned, unless the Council unanimously direct otherwise, for taking them into consideration.

34. All confidential communications, made by the Governor to the Council, shall be by the members thereof kept secret. All information or remarks, touching or concerning the character or qualifications of any person nominated by the Governor to office, shall be kept secret. When acting on confidential or executive business, the Council shall be cleared of all persons except the Chief Clerk, Sergeant-at-Arms and Door Keeper. The legislative proceedings, the executive proceedings, and the confidential legislative proceedings of the Council, shall be kept in separate and distinct books.

35. Messages shall be sent to the House by the Assistant Clerk, Sergeant-at-Arms or Door Keeper, the Clerk having previously endorsed the final determination of the Council thereon.

36. Messages are introduced in any state of business, except when a question is being put, while the ayes and nays are being called, or while the ballots are being counted.

36. The presiding officer of the Council shall have the regulation of such parts of the Capitol and its passages, as are or may be set apart for the use of the Council and its officers,

38. The rules of the Council shall be observed in the Committee of the Whole, so far as they may be applicable, except limiting the time of speaking, and except the ayes and nays shall not be taken.

39. A motion that the committee rise shall always be in order, and shall be decided without debate.

40. Any officer or member of the Council convicted of disclosing any

matter directed by the Council to be held in confidence, shall be liable, if an officer, to dismissal from the service of the Council, and in case of a member to suffer expulsion from the body.

41. The rules of parliamentary practice, comprised in Jefferson's Manual, shall govern the Council in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the Council, and the joint rules of the Council and House of Representatives.

42. Reporters shall be placed on the floor of the Council under the direction of the President, and be required to inform him what papers they report for.

43. The following Standing Committees, to consist of three members each, shall be appointed by the President at the commencement of each session.

1. Judiciary.
2. Finance, Ways and Means.
3. Education.
4. Military Affairs.
5. Highways, Bridges and Ferries.
6. Expenditures.
7. Incorporations.
8. Territorial Library.
9. Public Buildings.
10. Elections.
11. Counties.
12. Printing.
13. Agriculture.
14. Enrolled and Engrossed Bills.

The last to consist of two members.

Mr. Dundy, moved that a committee of two be appointed to confer with a like committee to be appointed on the part of the House in relation to joint rules.

Carried.

Messrs. Dundy and Strickland were appointed such committee.

Mr. Dundy moved that a committee of two be appointed to wait upon the Secretary and learn what arrangements he had made for furnishing papers and paying postage of Members.

Carried.

Messrs. Thayer and Little were appointed such committee.

On motion of Mr. Taffe,

Mr. Marquette was granted leave of absence for one week.

Mr. Goss moved that William C. Fleming, the gentleman contesting the seat of one of the members of the Council, be admitted to a seat within the bar of the Council at pleasure.

Carried.

Mr. Strickland moved that a committee of three be appointed to confer with the Secretary, in reference to making some changes in the Council chamber for the better accommodation of the members.

Carried.

The committee appointed to wait upon the Secretary in relation to furnishing papers and paying postage of members reported:

That the Secretary informed them that he was authorized to pay one hundred and fifty dollars from the general fund for subscriptions to newspapers furnished the Legislative Assembly, the Council to furnish the Post Master with the names of the members of the Council and he will be instructed to pay the postage of members and clerks upon the "Frank" of each.

On motion,

The Clerk was instructed to furnish such list to the Post Master.

On motion of Mr. Little,

The Council adjourned until 2 o'clock to-morrow afternoon.

E. P. Brewster, Chief Clerk.

Council Chamber,
Wednesday, Dec. 5th, 1860.

2 o'clock P. M.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read, corrected and approved.

The President announced the following Standing Committees:

Judiciary—Messrs. Taffe, Marquette and Belden.
Finance, Ways and Means—Messrs. Elbert, Dundy and Strickland.
Education—Messrs. Tipton, Goss and Unthank.
Military Affairs—Messrs. Thayer, Taffe and Unthank.
Highways, Bridges and Ferries—Messrs. Unthank, Tipton and Bennett.
Expenditures—Messrs. Elbert, Unthank and Strickland.
Incorporations—Messrs. Dundy, Taffe and Little.
Territorial Library—Messrs. Thayer, Unthank and Goss.
Public Buildings—Messrs. Marquette, Tipton and Strickland.
Elections—Messrs. Tipton, Elbert and Bennett.
Counties—Messrs. Taffe, Tipton and Little.
Printing—Messrs. Dundy, Marquette and Strickland.
Agriculture—Messrs. Unthank, Dundy and Bennett.
Enrolled and Engrossed Bills—Messrs. Thayer and Belden.

The following notices of bills were given:

By Mr. Dundy.

Of a bill to repeal the homestead and exemption law.

Also,

Of a bill to dissolve the bonds of matrimony between W. B. A. Carter and Elizabeth Carter.

Also,

Of a bill to repeal certain parts of "an act regulating the duties of county commissioners," approved January, 1860.

Also,

Of a bill to compel prosecutors in cases of misdemeanors, &c., to pay costs of prosecution when there is no probable cause, &c., for issuing warrant.

Also,

Of a bill to amend the "amendment to the code of 1858."

Also,

Of a bill to regulate the payment of fees, &c.. on entering and filing transcript of judgment of justices of the peace in the district courts.

Also,

Of a bill to regulate fees of justices of the peace.

By Mr. Thayer,

Of a bill for an act granting a ferry charter to Crawford Moore across the north fork of the Platte river, near the junction of the north and south forks.

Also,

Of a bill to prevent frauds in elections.

Also,

Of a bill to amend the present revenue law, and to change the time for payment of taxes.

Also,

Of a bill to abolish slavery or involuntary servitude in Nebraska.

By Mr. Strickland,

Of a bill to abolish the present poll tax, and for other purposes.

By Mr. Elbert,

Of a bill to incorporate the Plattsmouth, Fort Kearney and Denver city rail road company.

Also,

Of a bill for an appropriation to complete the Oreapolis seminary in Cass county, Nebraska.

Also,

Of a bill regulating and fixing the fees of the clerks of the district courts.

Also,

Of a bill regulating the fees of sheriffs.

Also,

Of a bill to prevent usury.

By Mr. Belden,

Of a bill to dissolve the marriage contract between William H. Lyman and Juliette Lyman.

Also,

Of a bill to incorporate the Missouri and Western telegraph company.

By Mr. Goss,

Of a bill to amend the law relating to the assessment and collection of taxes.

Also,

Of a bill to dissolve the bonds of matrimony between James H. Preston and Esther Preston.

Also,

Of a bill to establish a rail road on the 42d parallel.

Also,

Of a bill to dissolve the bonds of matrimony between Noyes B. Phetteplace and Harriet Amanda Phetteplace.

By Mr. Bennett,

Of a bill to reduce the fees of public officers.

Also,

Of a bill to defer the payment on judgments.

Mr. Dundy moved that the Chief Clerk furnish the members of the Council with copies of the rules of the last session of the Council.

Carried.

Mr. Thayer moved that a committee of two be appointed to confer with a like committee from the House and make arrangements for an equal distribution of newspapers between the members and officers of the two Houses.

Carried.

Messrs. Thayer and Belden were appointed said committee.

Mr. Elbert moved that hereafter when the Council adjourns, it adjourn to meet at 10 o'clock A. M., until otherwise ordered by the Council.

Carried.

On motion of Mr. Tipton,

The Council adjourned. E. P. BREWSTER, Chief Clerk.

COUNCIL CHAMBER,
Thursday, Dec. 6th, 1860.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

Mr. Belden presented the petition of William C. Fleming contesting the right of E. S. Dundy to a seat in the Council as councilman from the district composed of Richardson and Pawnee counties.

On motion of Mr. Belden,

The petition and evidence in the case was referred to the Committee on Privileges and Elections.

Mr. Unthank gave notice of the following bills:

Of a bill to regulate the assessing and collection of taxes.

Also,

Of a bill to incorporate a bridge and ferry company across the north fork of the Platte river, at or near the junction of the same with the South Platte river.

Mr. Goss introduced the following bills:

C. B. No. 1, "A bill to dissolve the bonds of matrimony between James H. Preston and Esther Preston."

Read first time.

On motion,

Rules suspended and bill read second time.

C. B. No. 2, "A bill to dissolve the bonds of matrimony between Noyes B. Phetteplace and Harriet Amanda Phetteplace."

Read first time.

On motion,

Rules suspended, and bill read second time.

Mr. Belden introduced

C. B. No. 3, "A bill to dissolve the bonds of matrimony, William H. Lyman and Juliette Lyman."

Read first time.

Mr. Dundy introduced

C. B. No. 4, "A bill to dissolve the bonds of matrimony between W. B. A. Carter and Elizabeth Carter."

Read first time.

On motion,

Further time was given the committee to rearrange the Council chamber to report.

On motion of Mr. Tipton,

Leave of absence for two weeks was granted to Mr. Bennett.

Mr. Elbert offered the following resolution:

Resolved, That the Chief Clerk be instructed to procure the printing of 3,000 copies of the Governor's Message for the use of the Council.

Mr. Goss moved to amend by inserting "2,000" instead of "3,000."

Carried.

Resolution as amended,

Adopted.

Mr. Taffe offered the following

Resolved, That the Chief Clerk be, and is hereby authorized to procure two hundred printed copies of the "standing committees," of the Council.

Mr. Strickland moved to amend by adding "50 copies of the standing and joint rules."

Carried.

On motion,

Resolution adopted as amended.

The special committee appointed on the part of the Council to confer with a committee on the part of the House relative to the apportionment of the amount allowed to members of the Council and the two clerks, report that the members and clerks are each entitled to receive $2.67 worth of papers, and that each of the weekly papers of the Territory will cost 30 cents during the session. J. M. THAYER,
J. Q. GOSS.

Mr. Bennett offered the following:

Resolved, That A. F. Harvey be admitted within the bar as reporter for the "Nebraska City News."

Adopted.
Mr. Strickland offered the following:

Be it resolved by the Council and House of Representatives, that in no event shall the Territory of Nebraska be responsible or liable for any printing done for the Council or House of Representatives for this session.

Laid over under the rules.
On motion of Mr. Dundy, the Council adjourned.
E. P. BREWSTER, Chief Clerk.

COUNCIL CHAMBER,
Friday, Dec. 7th, 1860.

Council met pursuant to adjournment.
President in the chair.
Prayer by the Chaplain.
Journal read and approved.
The following notices of bills were given:

By Mr. Tipton,
Of a bill for the apportionment of the Councilmen and Representatives in the Territorial Legislature.
By Mr. Elbert,
Of a bill for an act to appoint a commissioner to compile, classify and index all the existing general laws of the Territory of Nebraska.
By Mr. Dundy,
Of a bill to vacate the town of Archer in Richardson county.
And,
Of a bill to regulate the game law of January 11th, 1860.
Also,
Of a bill for a charter for erecting a mill dam on the Great Nemaha river.
By Mr. Marquette,

Of a bill for an act to provide for the publication of all laws, joint resolutions and memorials passed at the seventh session of the Legislative Assembly of this Territory.

Also,

Of a bill to exempt a homestead of families from forced sale on execution to pay debts.

Also,

Of a bill for an act to amend the revenue laws of this Territory.

Also,

Of a bill for an act to amend the code of civil procedure of this Territory.

Also,

Of a bill to provide for the election of a public printer for this Territory.

Message from the House:

HOUSE OF REPRESENTATIVES,
Dec. 7th, 1860.

Mr. President:

I am instructed to inform your honorable body that the House has appointed Messrs. Mathias, Cleburne and Mullen a committee on the part of the House to confer with a like committee on the part of the Council in regard to joint rules of the two Houses, and your earliest attention to the matter is respectfully requested.

GEO. L. SEYBOLT, Chief Clerk.

Mr, Unthank introduced

C. B. No. 5, "An act to authorize R. A. Brown and others to establish a bridge or ferry across North Platte river."

Read first time.

Mr. Thayer introduced

C. B. No. 6, "An act to abolish slavery and involuntary servitude in Nebraska."

Read first time.

C. B. No. 3, "An act to dissolve the bonds of matrimony between W. H. Lyman and Juliette Lyman."

Read second time.

On motion,

Referred to the Committee on Judiciary.

C. B. No. 4, "An act to dissolve the bonds of matrimony between W. B. A. Carter and Elizabeth Carter."

Read second time.

On motion,

Referred to the Committee on Judiciary.

The joint resolution relative to the payment of printing done for this Legislative Assembly

Was called up.

Read second time.

Mr. Dundy moved to indefinitely postpone the joint resolution.

Ayes and nays demanded.

Ayes—Messrs. Dundy, Taffe, Tipton, Unthank.—4.

Nays—Messrs. Belden, Elbert, Goss, Little, Marquette, Strickland, Thayer.—7.

Lost.

Mr. Marquette, moved to refer to the Committee of Judiciary.

Carried.

On motion of Mr. Goss,

C. B. No. 6, "A bill to dissolve the bonds of matrimony between James H. Preston and Esther Preston,"

Was referred to the Committee on Judiciary.

On motion of Mr. Strickland,

C. B. No. 2, "A bill to dissolve the bonds of matrimony between Noyes B. Phetteplace and Harriet Amanda Phetteplace,"

Was referred to the Committee on Judiciary.

On motion of Mr. Strickland,

The Council adjourned until Monday morning.

E. P. BREWSTER, Chief Clerk.

COUNCIL CHAMBER,
Monday, Dec. 10th, 1860.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

The select committee appointed on the part of the Council in regard to

Joint rules for the government of both houses,

Recommend that the rules adopted and used by both branches of the Legislature at the last session, be adopted and used by the present Legislature.

E. S. DUNDY,
S. A. STRICKLAND,
Committee of Council.
A. MATHIAS,
LOUDEN MULLEN,
WM. CLEBURNE,
Committee of House.

Report adopted.

The following notices of bills were given:

By Mr. Dundy,

Of a bill to regulate elections.

Also,

Of a bill to authorize married women to acquire and hold property, and commence suit in their own names, in certain cases.

By Mr. Marquette,

Of a bill relative to the general powers, privileges and liabilities of corporations.

By Mr. Thayer,

Of a bill to provide for a registry law.

Also,

Of a bill to reduce the interest on delinquent taxes to 10 per cent.

Also,

Of a bill to change the terms and reduce the number of terms of the district court of Douglas county.

By Mr. Tipton,

Of a bill for a resurvey of a part of the territorial road leading from Nebraska city in Otoe county to Tecumseh in Johnson county.

Mr. Belden introduced

C. B. No. 7, "A bill for an act regulating elections."

Read first time.

On motion,

Rules suspended and bill read second time by title and referred to Committee on Privileges and Elections."

Also,

C. B. No. 8, "A bill for an act to regulate proceedings against insolvent corporations."

Read first time.

Mr. Elbert introduced

C. B. No. 9, "An act to incorporate the Plattsmouth, Fort Kearney and Denver city rail road company."

Read first time.

On motion,

Rules suspended and bill read second time by title and referred to Committee on Corporations.

Mr. Marquette introduced

C. B. No. 10, "A bill for an act to amend 'An act to exempt the homestead and certain articles of personal property from forced sale on execution."

Read first time.

Mr. Dundy introduced

C. B. No. 11, "A bill for an act to authorize the erection of a mill dam across the Great Nemaha river in Richardson county."

Read first time.

On motion,

Rules suspended and bill read second time by title and referred to special committee consisting of Messrs. Dundy, Taffe and Tipton.

Also,

C. B. No. 12, "A bill for an act to vacate the town of Archer in Richardson county."

Read first time.

On motion,

Rules suspended and bill read second time by title and referred to the special committee composed of Messrs. Dund y, Taffe and Tipton.

C. B. No. 9, "An act to amend the code of civil procedure."

Read first time.

On motion,

Rules suspended and bill read second time by title.

On motion,

Referred to Committee on Judiciary.

Mr. Dundy, moved that the "act to prohibit slavery" be referred to a select committee of which Mr. Thayer should be chairman.

Carried.

Messrs. Thayer, Little and Tipton were appointed said committee.

On leave,

Mr. Thayer introduced

C. B. No. 14, "A memorial and joint resolution asking the Congress of the United States for an appropriation to complete the Capitol of of Nebraska and to build a penitentiary."

Read first time.

On motion,

Rules suspended and memorial read second time by title, and referred to a select committee, composed of

Messrs. Thayer, Strickland and Tipton.

Mr. Tipton, from the committee to rearrange the Council chamber, stated that the committee had performed their duty.

On motion,

Committee discharged.

Mr. Strickland demanded a call of the Council.

Absent—Messrs. Belden and Taffe.

On motion,

All further proceedings under the call were dispensed with.

On motion of Mr. Tipton,

The Council went into Committee of the Whole, having under consideration the Governor's Message.

Mr. Thayer in the chair.

After remaining some time therein the committee arose and through the chairman, recommended—

That all that portion of the message that relates to the growth of timber be referred to the Committee on Agriculture.

That all that part referring to elections be referred to the Committee on Privileges and Elections.

That all that part referring to expenditures be referred to the Committee on Expenditures.

That all that part referring to Territorial debt be referred to Committee on Ways and Means.

That all that part referring to Territorial library be referred to Committee on Library.

That all that portion which relates to usury be referred to the Committee on Judiciary.

That all that part referring to an Arsenal be referred to the Committee on Military Affairs.

That all that part referring to Federal relations be referred to a select committee consisting of Messrs. Tipton, Strickland and Taffe.

On motion,

Report adopted.

On motion of Mr. Little,

Council adjourned.

E. P. Brewster, Chief Clerk.

Council Chamber,
Tuesday, Dec. 11th, 1860.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

The following notices of bills were given:

By Mr. Goss,

Of a bill to repeal an act entitled "An act to prevent stock from running at large in Sarpy county," approved January, 1860.

Mr. Dundy introduced

C. B. No. 15, "An act to change the name of Richardson county."

Read first time.

Mr. Belden moved that a committee of two be appointed by the President to act with a similar committee of the House in procuring the translation of 500 copies of the Governor's Message into the German language.

Carried.

Messrs. Belden and Elbert were appointed such committee.

Mr. Dundy introduced

C. B. No. 16, An act to repeal an act entitled "An act to protect game in the Territory of Nebraska."

Read first time.

Also,

C. B. No. 17, "An act to authorize married women to hold property and to sue and be sued in her own name in certain cases."

Read first time.

C. B. No. 5, "An act to authorize R. A. Brown and others to establish a bridge and ferry across the North Platte river."

Read second time by title, and

On motion,

Referred to the Committee on Highways, Bridges and Ferries.

C. B. No. 8, A bill for "An act to regulate proceedings against insolvent corporations."

Read second time, and

On motion,

Referred to the Committee on Judiciary.

C. B. No. 13, "An act to amend an act to exempt the homestead and certain articles of personal property from forced sale on execution."

Read second time, and

On motion,

Referred to the Committee on Judiciary.

The select committee to which was referred

C. B. No. 11, "A bill for an act to authorize the erection of a mill dam across the Great Nemaha river in Richardson county,"

And,

C. B. No. 12, "A bill for an act to vacate the town of Archer, in Richardson county,"

Have had the same under consideration and report them back without amendment and recommend their passage.

E. S. DUNDY,
JOHN TAFFE,
T. W. TIPTON.

Mr. Thayer introduced

C. B. No. 18, "An act to incorporate the Baptist church of Cuming city."

Read first time.

On motion,

Rules suspended, and bill read second time by title and referred to the Committee on Corporations.

Mr. Taffe, on leave, gave notice

Of a bill relative to divorces.

Call of the House demanded.

Absent—Mr. Thayer.

Message from the House:

HOUSE OF REPRESENTATIVES,
Dec. 11th, 1860.

Mr. President:

I am instructed to inform your honorable body that the House has passed

H. F. No. 3, "A bill for an act prohibiting slavery,"

And,

H. F. No. 4, "A bill for an act to repeal 'An act for the appointment of masters in chancery,'"

And your concurrence is respectfully requested.

GEO. L. SEYBOLT, Chief Clerk.

H. F. No. 4, "A bill for an act to repeal 'An act for the appointment of masters in chancery.'"

Read first time.

On motion,

Rules suspended, and bill read second time by its title and referred to the Committee on Judiciary.

H. F. No. 3, "An act to prohibit slavery."

Read first time.

On motion of Mr. Belden,

The Council adjourned. E. P. **Brewster**, Chief Clerk.

Council Chamber,
Wednesday, Dec. 12th, 1860.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

The Committee on Highways, Bridges and Ferries to which was referred,

C. B. No. 5, "An act to authorize Randall A. Brown and others to establish a bridge and ferry across the North Platte river,"

Report the same back with the following amendments and recommend its passage:

In section 3, line 6, insert the words "span, &c.," in line 7, insert "or" between "horse and mule," also add as "section 6, that all acts or parts of acts inconsistent with this act be and they are hereby repealed." J. A. **Unthank**, Chairman.

Mr. Dundy gave notice

Of a bill to amend the habeas corpus act.

Mr. Dundy introduced,

C. B. No. 19, "A memorial and joint resolution relative to a mail route."

On motion,

Rules suspended, and read first, second and third time by title.

Passed and title agreed to.

Mr. Dundy introduced,

C. B. No. 20, "A bill for an act to authorize guardians to sell land of their wards in certain cases at private sale."

Read first time.

On motion,

Rules suspended, and read second time by title and referred to Committee on Judiciary.

Mr. Goss introduced,

C. B. No. 21, "An act to repeal an act entitled 'An act to prevent stock from running at large in Sarpy county,'" approved January 13th, 1860.

Read first time.

Mr. Goss gave notice

Of a bill to unite offices, both county and territorial, therein named.

Also,

Of a bill abolishing the office of district attorney and for other purposes therein named.

Also,

Of a bill to amend an act defining the boundaries of the city of Bellevue, in Sarpy county, N. T.

Also,

A bill relating to administration of the estates of decedents.

Also,

Of a bill authorizing justices of the peace to issue executions in certain cases therein named.

Also,

Of a bill to amend the civil code of Nebraska.

Mr. Unthank introduced

C. B. No. 22, "An act relative to school sub-districts."

Read first time.

On motion,

Rules suspended and bill read second time by title, and referred to Committee on Education.

Mr. Dundy introduced

C. B. No. 23, "An act to repeal an act, entitled 'An act to prevent overdrawing public funds in counties, and to compel county commissionsioners to give bonds,' " approved Jan. 13th, 1860.

Read first time.

Mr. Goss introduced

C. B. No. 24, "An act providing for the issuing of executions by justices of the peace, against the property of sureties for the stay of executions."

Read first time.

On motion,

Rules suspended and bill read second time by title, and referred to Committee on Judiciary.

The Committee on Incorporations to which was referred

C. B. No. 18, A bill for "an act to incorporate the Baptist church of Cuming city,"

Have had the same under consideration, and report it back without amendment, and recommend its passage.

E. S. Dundy,
John Taffe.

Mr. Strickland, moved that the bill be recommitted to the same committee.

Mr. Marquette, moved to amend the motion by adding, "That the committee be instructed to report whether there is on our statute books a general incorporation law, by which all such societies as are proposed to be incorporated by this act, may be incorporated."

Carried.

Motion as amended,

Carried.

The Committee on Incorporations to which was referred

C. B. No. 10, "An act to incorporate the Plattsmouth, Fort Kearney and Denver city rail road company,"

Have had the same under consideration, and report it back to the Council, and recommend its passage with the following amendments, viz:

In section 14, line 9, strike out the words "fee simple title," and insert the following words, "right of way."

In section 24, add the following words to the section, "otherwise this charter to be forfeited."

E. S. Dundy,
John Taffe.

Mr. Elbert, moved the adoption of the report.

Mr. Strickland demanded the ayes and nays.

Ayes—Messrs. Dundy, Elbert, Marquette, Taffe, Tipton.—5.

Nays—Messrs. Belden, Goss, Little, Strickland, Thayer and Unthank.—6.

Lost.

Mr. Strickland moved that 100 copies of the bill be printed.

Lost.

The select committee to which was referred

C. B. No. 14, "A joint resolution and memorial asking Congress for an appropriation to complete the Capitol and build a penitentiary for the Territory,"

Have had the same under consideration and report it back with the following amendments: strike out "but under a degree of mismanagement wholly unpardonable upon the part of the then executive, Mark W. Izard," and insert the following, "but as the executive of" and recommend its passage.

Jno. M. Thayer,
T. W. Tipton,
S. A. Strickland.

On motion,

Report adopted and bill ordered engrossed for a third reading.

Mr. Elbert introduced

C. B. No. 25, "An act to appoint a commissioner to compile, classify, arrange and index the existing general laws of the Territory of Nebraska."

Read first time.

On motion,

Rules suspended and bill read second time by title and referred to Committee on Judiciary.

C. B. No. 16, "An act to repeal an act to protect game in the Territory of Nebraska," approved Jan. 11th, 1860.

Read second time.

On motion,

Referred to Committee on Agriculture.

C. B. No. 17, "An act to authorize married women to hold property in certain cases, and to sue and be sued in her own name."

Read second time.

On motion,

Referred to Committee on Judiciary.

C. B. No. 15, A bill for "An act to change the name of Richardson county."

Read second time.

Mr. Goss moved to amend by striking out all after the first section and insert the following:

"Sec. 2. That the name of the county seat of said county, to wit., Falls City, shall be and is hereby changed, and said county seat shall be hereafter known and designated as "Old Abe."

Sec. 3. That all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

Sec. 4. This act shall take effect on the 4th day of March, 1861, and be in force four years from and after that date.

Lost.

Mr. Little moved to amend by striking out the word "Lincoln" in the 5th line and insert "Giddings."

Lost.

Message from the House:

House of Representatives,
Dec. 12th, 1860.

Mr. President:

I am instructed to inform your honorable body that the House has passed

H. F. No. 16, "A bill for an act for the sale of the cast iron of the Territory of Nebraska."

And your concurrence therein is requested.

Geo. L. Seybolt, Chief Clerk.

Mr. Dundy moved that C. B. No. 15 be laid on the table.

Mr. Goss moved to amend by postponing indefinitely.

Ayes and nays demanded.

Ayes—Messrs. Belden, Goss, Little and Strickland.—4.

Nays—Messrs. Dundy, Elbert, Marquette, Tipton, Taffe, Thayer and Unthank.—7.

Lost.

Question recurring upon motion to lay upon the table.

Carried.

C. B. No. 12, "A bill for an act to authorize the erection of a mill dam across the Great Nemaha river, in Richardson county."

Read third time.

On motion,

Passed and title agreed to.

H. F. No. 3, "A bill for an act to prohibit slavery in the Territory of Nebraska."

Read second time.

On motion,

Referred to a special committee of three, consisting of

Messrs. Thayer, Little and Tipton.

Mr. Tipton rose to question of privilege and said:

Mr. President:

I arise to a question of privilege. In the Omaha Nebraskian, a paper published at the capital, and dated Dec. 8th, 1860, I find an article so false in statement and infamous in slander that regard for the honor of the Council and respect for its individual members impel me to offer the following resolution:

Resolved, That the Sergeant-at-Arms be directed hereafter to prevent the entrance of T. H. Robertson within the bar of the Council.

On motion,

Resolution was laid on the table.

On motion of Mr. Taffe,

The resolution was made the special order for Monday next.

On motion of Mr. Strickland,

The Council adjourned. E. P. Brewster, Chief Clerk.

Council Chamber.
Thursday, Dec. 13th, 1860.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read, corrected and approved.

Message from the House:

House of Representatives,
December 12th, 1860.

Mr. President:

I am instructed to inform your honorable body that Messrs. Lockwood, Cavins and Reddick, have been appointed a committee on the part of the House, to confer with a like committee on the part of the Council relative to collating the laws of the Territory of Nebraska now in force, and your earliest attention to the matter is respectfully solicited.

Geo. L. Seybolt, Chief Clerk.

Mr. Marquette introduced

C. B. No. 26, "An act to define the general powers, privileges and liabilities of corporations."

Read first time.

On motion,

Rules suspended, and bill read second time by title, and referred to Committee on Judiciary.

Mr. Goss introduced,

C. B. No. 27, "An act for the election of assessors."

Read first time.

On motion,

Rules suspended, and bill read second time and referred to the Committee on Elections.

Mr. Belden introduced,

C. B. No. 28, "A bill for an act for the relief of Timothy Kelly."

Also,

C. B. No. 29, "An act to authorize county treasurers to pay interest on county orders."

Read first time.

Mr. Dundy gave notice,

Of a bill to repeal an act to organize the county of West, approved January 13th, 1860.

Also,

Of a bill to repeal an act to establish the county of Dawson and define its boundaries, approved January 11th, 1860.

Also,

Of a bill to repeal an act to organize the county of Morton and define its boundaries, approved January 6th, 1860.

Also,

Of a bill to repeal an act to organize and define the boundaries of Wilson county.

H. F. No. 16, "A bill to authorize the sale of cast iron of the Territory of Nebraska."

Read first time.

C. B. No. 26. "A bill for an act to define the general powers, privileges and liabilities of corporations."

Rules suspended, and read first and second time and referred to the Judiciary Committee.

Mr. Dundy introduced,

C. B. No. 30, "A bill for an act to incorporate the South Nebraska rail road company."

Read first time.

On motion,

Rules suspended, and bill read second time by title and referred to Committee on Incorporations.

C. B. No. 21, "An act to repeal an act entitled 'An act to prevent stock running at large in Sarpy county,'" approved January 13th, 1860.

Read second time.

On motion,

Referred to Committee on Agriculture.

On motion of Mr. Strickland,

Mr. Goss was appointed to serve on said committee in the consideration of said bill.

C. B. No. 23, "An act to repeal an act entitled 'An act to prevent overdrawing public funds in counties, and compel county commissioners to give bond,'" approved January 13th, 1860.

Read second time.

On motion,

Referred to Committee on Finance, Ways and Means.

On motion of Mr. Strickland,

The Council went into Committee of the Whole on

C. B. No. 10, "An act to incorporate the Plattsmouth, Fort Kearney and Denver city rail road company."

Mr. Thayer in the chair.

After remaining some time therein the committee arose and through their chairman reported the bill back with the following amendments, and recommended its passage:

In sec. 1, line 5, insert the name of David O. Nickols; in sec. 11, after line 4, add "for the purpose of carrying out the legitimate objects of this bill;" in sec. 13, line 2, after the words "owners be" add "an infant;" in line 5 insert freeholders" after "disinterested;" in line 11, after the word "newspaper" insert the words "of this Territory;" in sec. 14, line 8, after the word "viewers" insert "of like qualifications as provided in sec. 13 of this act."

On motion,

Report adopted.

Mr. Little moved that section 4 be stricken out.

Lost.

On motion of Mr. Thayer,

The bill was ordered engrossed for a third reading to-morrow.

The Committee on Engrossed and Enrolled Bills, to which was referred

C. B. No. 14, "Joint resolution and memorial asking for an appropriation from Congress to complete the Capitol and build a penitentiary for the Territory of Nebraska,"

Report the same back as correctly engrossed.

JNO. M. THAYER,
D. D. BELDEN.

On motion,

Memorial and joint resolution read third time.

Passed and title agreed to.

The Committee on Incorporations to which was referred

C. B. No. 18, A bill for "An act to incorporate the Baptist church of Cuming city,"

Together with a resolution to instruct the committee to inquire into the existence of "Laws now in force for incorporating religious societies," Have had the same under consideration and find that existing laws confer all necessary corporate powers on religious societies and powers and privileges equally as great as those proposed in said bill; the committee therefore recommend that the bill and the report heretofore made be laid upon the table.

E. S. DUNDY,
JOHN TAFFE,
WILLIAM A. LITTLE.

C. B. No. 5, "An act to authorize R. A. Brown and others to establish a ferry across the north fork of Platte river."

Together with a report thereon was taken from the table.

Mr. Little moved to amend by adding to the 4th section the words: "Provided that the legislature shall have the right at any time hereafter to alter, amend or repeal this act."

Carried.

Mr. Goss moved to amend the bill by striking out "20 miles" and insert "ten miles up the said river from any given point, said company may select."

Carried.

Mr. Unthank moved that the bill be engrossed and read third time tomorrow.

Carried.

On motion of Mr. Goss,

The Council adjourned. E. P. BREWSTER, Chief Clerk.

COUNCIL CHAMBER,
Friday, Dec. 14th, 1860.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

Mr. Tipton presented the petition of John Jeffers for a divorce.

On motion,

Referred to the Committee on Judiciary.

The Committee on Engrossed and Enrolled Bills, report that

C. B. No. 10, "A bill for an act to incorporate the Plattsmouth, Fort Kearney and Denver city rail road company."

Is correctly engrossed.

J. M. THAYER,
D. D. BELDEN.

The Commitee on Education to which was referred

C. B. No. 22, "An act relative to school sub-districts,"

Instruct me to report back said bill with the following amendments: Before the word "three" in line 14, insert "at least" so it shall read "until at least three," in the same line between the words "three" and "sub-district" strike out the words "or more," so the whole line shall read "until at least three sub-districts shall have been formed."

T. W. TIPTON, Chairman.

The Committee on Agriculture to which was referred

C. B. No. 21, "An act to repeal an act entitled 'An act to prevent stock running at large in Sarpy county,'" approved Jan. 13th, 1860,

Having had the same under consideration beg leave to report it back and recommend its passage. J. UNTHANK, Chairman.

The Committee on Judiciary to which was referred

C. B. No. 3, "A bill to dissolve the bonds of matrimony between William H. Lyman and Juliette Lyman,"

Beg leave to report that the committee are of opinion that every legislature in the absence of any restriction, constitutionally has the power to pass bills of divorce, but that they at the same time entertain serious doubts of the soundness of such a policy. The committee believe that cases may arise in which relief may very properly be asked of and granted by legislative assemblies; and after having examined the testimony placed before the committee, think that this may be one of that peculiar class of cases; and therefore the committee recommend, not as a precedent, but upon the ground that a complete remedy cannot be obtained in the courts, that this bill pass. JOHN TAFFE,
D. D. BELDEN.

Mr. Dundy gave notice

Of a bill to amend the law of attachment.

Also,

Of a bill to charter a ferry across the Great Nemaha river in Richardson county.

C. B. No. 29, "An act to authorize county treasurers to pay interest on county orders."

Read first time.

On motion,

Rules suspended and bill read second time by title, and referred to the Committee on Ways and Means.

C. B. No. 28, "A bill for an act for the relief of Timothy Kelly."

Read second time and referred to the Committee on Accounts and Expenditures.

H. F. No. 16, "A bill to authorize the sale of the cast iron of the Territory of Nebraska."

Read second time, and

On motion of Mr. Taffe,

Referred to the Committee on Public Buildings, with instructions to strike out all preceding the 1st section.

H. F. No. 22, "A bill for the location of the county seat of Cass county by a vote of the people."

Read second time and referred to Committee on County Seats.

C. B. No. 10, "A bill for an act to incorporate the Plattsmouth, Fort Kearney and Denver city rail road company."

Read third time.

Passed and title agreed to.

C. B. No. 3, "A bill to dissolve the bonds of matrimony between William H. Lyman and Juliette Lyman."

Mr. Tipton moved to indefinitely postpone the bill.

Mr. Little demanded a call of the Council.

Absent—Messrs. Taylor and Marquette.

On motion of Mr. Dundy,

Mr. Taylor was excused.

Mr. Little moved that the Sergeant-at-Arms be dispatched after absentees.

Lost.

Mr. Goss moved to excuse Mr. Marquette.

Carried.

Question recurring upon the motion to postpone indefinitely, the ayes and nays were demanded.

Ayes—Messrs. Elbert, Little and Tipton.—3.

Nays—Messrs. Belden, Dundy, Goss, Taffe, Strickland, Thayer and Unthank.—7.

Lost.

Bill read third time.

Ayes and nays demanded upon its passage.

Ayes—Messrs. Belden, Dundy, Goss, Taffe, Strickland, Thayer and Unthank.—7.

Nays—Messrs. Elbert, Little and Tipton.—3.

Bill passed.

On motion,

Title agreed to.

Mr. Thayer moved, that the

"Bill to authorize R. A. Brown and others to establish a bridge and ferry across North Platte river,"

Be recommitted to the Committee on Highways, Bridges and Ferries, with leave to report back a substitute at once.

Carried.

And the committee reported

"A bill to authorize Randall A. Brown and Joseph A. Unthank to establish a bridge and ferry across the north fork of the Platte river."

Read third time.

Passed and title agreed to.

Messrs. Elbert, Belden and Strickland were appointed a committee on the part of the Council to act with a like committee on the part of the

House in relation to the classifying, arranging and indexing the existing general laws of the Territory of Nebraska.

On motion of Mr. Dundy,

The Council adjourned until 10 o'clock on Monday morning.

E. P. BREWSTER, Chief Clerk.

COUNCIL CHAMBER,
Monday, Dec. 17th, 1860.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Mr. Dundy reported back

C. B. No. 30, A bill for "An act to incorporate the South Nebraska rail road company,"

Without recommendation, and moved that the Clerk be required to have 100 copies of the bill printed.

Carried.

The Committee on Engrossed and Enrolled Bills report back

C. B. No. 22, "An act relative to school sub-districts,"

As correctly engrossed. JOHN M. THAYER, Chairman.

Mr. Tipton introduced

C. B. No. 32, "A memorial and joint resolution asking Congress for an appropriation to build a hospital at Fort Kearney."

Read first time.

On motion of Mr. Little,

Rules suspended and bill read second time by title, and referred to Committee on Military Affairs.

Mr. Dundy introduced

C. B. No. 36, "A bill for an act to repeal certain acts passed in the year 1860."

Read first time.

On motion,

Rules suspended, and bill read second time and referred to Committee on Counties.

Mr. Tipton gave notice

Of a bill to amend an act for the appointment of justices of the peace in certain cases by county commissioners.

Mr. Taffe introduced

C. B. No. 34, "An act to incorporate the Pacific telegraph company."

On motion,

Rules suspended and bill read first and second times by title and referred to the Committee on Incorporations.

The hour for the special order having arrived

The following resolution was taken from the table:

Resolved, That the Sergeant-at-Arms be directed hereafter to prevent the entrance of T. H. Robertson within the bar of the Council.

Mr. Little moved to postpone the resolution until the 4th day of July.

Ayes and nays demanded.

Ayes—Messrs. Belden, Little and Strickland.—3.

Nays—Messrs. Dundy, Elbert, Goss, Marquette, Taffe, Thayer, Tipton, Unthank and Mr. President.—9.

Lost.

Mr. Little moved that the resolution be indefinitely postponed.

Ayes and nays demanded.

Ayes—Messrs. Belden, Goss, Little and Strickland.—4.

Nays—Messrs. Dundy, Elbert, Marquette, Taffe, Thayer, Tipton, Unthank and Mr. President.—8.

Lost.

Mr. Strickland moved to postpone until the 1st day of August.

Lost.

Mr. Taffe offered the following as a substitute:

Whereas, On the 8th day of December, 1860, T. H. Robertson did maliciously assail the character of certain members of this Council, and imputed to them corrupt motives relative to organizing this body; as is set forth in the following article from the paper of which he is an editor.

"Turn him out."

"The first thing our Nebraska Solons of the Council should do, if there is a particle of integrity and appreciation of common honesty and decency left in them is, metaphorically speaking, to apply the legislative big toe of their pedal extremities to the retreating form of that embodiment of vagabondism—E. S. Dundy of Falls City—the Butler of Nebraska. In open rascality and unblushing infamy, his case excels the celebrated Lehman case of Philadelphia. Every Republican in the Council knows that Dundy has no more rights as a member of that body than a chief of the Pawnee Indians. The little show of right that he has is a stench of the rankest fraud that ever smelt to heaven. We have yet failed to find those Republicans among the masses, who for a moment admitted that Dundy was entitled to a seat. Will the Republican Councilmen purge themselves of the slightest taint of infamy by ousting Dundy in the first stages of legislative proceedings? We shall see.—*Nebraska City News.*

Very good advice, unquestionably, but will the honest Republicans follow it, that's the question? The subject came up on the organization, and notwithstanding Mr. Fleming holds a certificate from the county clerk, which states unqualifiedly that he received some *fifty-four* more votes in the counties of Richardson and Pawnee than Dundy or any other person; regardless of the fact that the impudent scoundrel Dundy acted as *deputy clerk* in his own case, and gave *himself* a certificate, *every Republican* member of that Council, countenanced the infamy by voting for Dundy's admission. It was necessary to secure the election of honest (God forgive us) Taylor to the Presidency of the Council. That some men, Taylor and Dundy for instance, should sanction even greater frauds than the one referred to, occasions no surprise, but that Tipton, Thayer and Taffe, men who have some reputation for moral honesty, should connive at such a wrong is amazing. There are some men so venal and corrupt that they would barter the virtue of their wives and mothers for gold or political power. Such men are not dangerous in themselves, and are only to be feared when, as in this instance, they are countenanced and aided by the seeming virtuous and good. The Republicans in the Council are evidently bound to acquire an enviable reputation for honesty! They wouldn't countenance a wrong. Oh no!"

Therefore, Resolved that the Sergeant-at-Arms be directed to prevent the entrance of T. H. Robertson within the bar of the Council.

Amendment accepted.
Ayes and nays demanded on the adoption of the resolution.

Ayes—Messrs. Dundy, Elbert, Marquette, Taffe, Tipton, Unthank and Mr. President.—7.
Nays—Messrs. Belden, Goss, Little, Strickland and Thayer.—5.

Resolution adopted.

The Committee on Judiciary to which was referred
H. F. No. 4, "A bill for an act to repeal 'An act for the appointment of masters in chancery,'"
Beg leave to report the same back to the Council and recommend that it do not pass.

JOHN TAFFE,
D. P. BELDEN,
T. M. MARQUETTE.

On motion,
Report adopted.

The select committee to which was referred
A joint resolution of the Council and House of Representatives authorizing the translation and superintend the printing of the Governor's message in the German language,
Beg leave to report that we have procured the translation of the same by Dr. Fred. Renner for the sum of twenty dollars; that we are satisfied with said translation and that we have delivered the same to the public printer to have five hundred copies printed for the use of the Council and House of Representatives.

D. D. BELDEN,
S. H. ELBERT,
Committee of Council.

Report adopted.

Mr. Thayer introduced

C. B. No. 85, "An act to fix the regular terms of the district court in Douglas county."

Read first time.

On motion,

Rules suspended and bill read second time and referred to the Committee on Judiciary.

Mr. Strickland offered the following:

Resolved, That Geo. W. Rust be admitted within the bar of the Council as a reporter of the proceedings of this body for such newspapers as he wishes to report for.

Rules suspended and resolution adopted.

On motion of Mr. Dundy,

E. D. Webster was admitted as a reporter for the Nebraska Republican and Jacob E. Burbank for the Broad Axe.

On motion of Mr. Taffe,

The Council adjourned. E. P. Brewster, Chief Clerk.

Council Chamber,
Tuesday, Dec. 18th, 1860.

Council met pursuant to adjournment.

Hon. S. H. Elbert in the chair.

Prayer by the Chaplain.

Journal read, corrected and approved.

Mr. Goss presented the evidence of Mr. W. C. Fleming vs. Dundy.

On motion,

Referred to the Committee on Elections.

Mr. Tipton presented the evidence of Mr. Dundy in same case.

On motion,

Referred to the Committee on Elections.

The Committee on Privileges and Elections to which was referred

C. B. No. 7, "A bill for an act respecting elections,"

Report the same back and recommend that 100 copies of the bill be printed. T. W. Tipton, Chairman.

Report adopted.

The Committee on Military Affairs to which was referred

"Memorial and joint resolution asking for the establishment of a hospital at or near Fort Kearney," Report the same back and recommend that it do pass.

JNO. M. THAYER,
JOHN TAFFE,
JOHN A. UNTHANK.

Report adopted.

On motion,

"Memorial and joint resolution,"

Was ordered engrossed to be read time to-morrow.

C. B. No. 22, "An act relative to school sub-districts."

Read third time.

Passed and title agreed to.

Call of the Council demanded.

Absent—Mr. Taylor.

On motion,

All further proceedings under the call dispensed with.

The Committee on Judiciary to which was referred

C. B. No. 24, "An act providing for the issuing executions by justices of the peace, against the property of sureties for the stay of executions,"

Report the same back to the Council with the recommendation that it do not pass.

JOHN TAFFE,
T. M. MARQUETTE,
D. D. BELDEN.

On motion,

Report adopted.

Mr. Marquette presented the petition of citizens of Cass county for the vacation of a portion of the territorial road between Rock Bluffs and Plattsmouth.

On motion,

Referred to a special committee of three.

Messrs. Marquette, Thayer and Belden were appointed such committee.

The Committee on Engrossed and Enrolled Bills report back the

"Joint resolution and memorial to Congress praying for an appropriation for the establishment of hospital at or near Fort Kearney,"

As correctly engrossed.

JNO. M. THAYER,
D. D. BELDEN.

Mr. Thayer moved to reconsider the vote which ordered the resolution to be read third time to-morrow.

Carried.

On motion of Mr. Thayer,

Rules suspended and joint resolution and memorial read third time.

Passed and title agreed to.

On motion of Mr. Dundy,

The Council adjourned. **E. P. Brewster**, Chief Clerk.

Council Chamber,
Wednesday, Dec. 19th, 1860.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

Mr. Goss introduced

C. B. No. 36, "Joint resolution and memorial relative to school lands in fractional townships."

Read first time.

On motion,

Rules suspended, and read second time by title and referred to Committee on Education.

Also,

C. B. No. 37, "Joint resolution and memorial relative to school lands in lieu of Half-breed lands."

Read first time.

On motion,

Rules suspended and read second time by title and referred to Committee on Education.

Also,

C. B. No. 38, "Joint resolution relative to school lands in Nebraska."

Read first time.

On motion,

Rules suspended and bill read second time by title and referred to Committee on Education.

Message from the House:

House of Representatives,
Dec. 18th, 1860.

Mr. President:

I am instructed to inform your honorable body that the House has passed

H. F. No. 18, "A bill for an act to abolish the office of Territorial Librarian."

H. F. No. 35, "An act to incorporate the hook and ladder company No. 1, at Omaha."

H. F. No. 6, "A bill for an act to abolish the office of Territoral School Commissioner."

H. F. No. 34, "Memorial and joint resolution relative to the organization of the Territory of Jefferson."

And the concurrence of the Council is respectfully requested.

Geo. L. Seybolt, Chief Clerk.

The Committee on Elections, to whom was referred
C. B. No. 27, "An act for the election of assessors,"
Report the same back without recommendation.

T. W. TIPTON, Chairman.

Report adopted.

H. F. No. 34, "Memorial and joint resolution relative to the organization of the Territory of Jefferson."

Read first time.

On motion,

Rules suspended and read second time by title and referred to a special committee,

Consisting of Messrs. Taffe, Thayer and Goss.

H. F. No. 35, "A bill for an act to incorporate hook and ladder company No. 1, at Omaha."

Read first time.

On motion,

Rules suspended and bill read second time by title and referred to Committee on Incorporations.

Mr. Belden introduced

C. B. No. 39, "An act to incorporate Omaha lodge No. 2, I. O. O. F."

Read first time.

On motion,

Rules suspended and bill read second time by title and referred to Committee on Incorporations.

H. F. No. 6, "A bill for an act to abolish the office of Territorial School Commissioner."

Read first time.

On motion,

Rules suspended and bill read second time by title and referred to Committee on Education.

C. B. No. 39, "An act to incorporate the Omaha lodge No. 2 of Independent Order of Odd Fellows."

Read first time.

On motion,

Rules suspended, and bill read second time by title and referred to Committee on Incorporations.

Mr. Marquette gave notice

Of a bill to incorporate the Plattsmouth lodge No. 6, A. F. and A. M.

Message from the House:

HOUSE OF REPRESENTATIVES,
December 19th, 1860.

Mr. President:

I am instructed to inform your honorable body that the House has passed

H. F. No. 2, "A bill for an act to regulate the fees and salaries of certain officers."

And the concurrence of the Council is respectfully requested.

GEO. L. SEYBOLT, Chief Clerk.

On motion,

The Council went into Committee of the Whole on

C. B. No. 27, "An act for the election of assessors."

Mr. Thayer in the chair.

After remaining sometime therein, the committee arose and through their chairman reported the bill back with the following amendments and recommended its passage as amended:

In section 1, line 5 strike out "voting precinct" and insert "commissioner's district." In section 4, lines 3 and 4 strike out "or its equivalent in county warrants or their current value." At the end of section 4 add "Provided, the assessment is made by said assessors in pursuance of the revenue law of this Territory, and if said assessors fail to execute their assessment within the time prescribed by law they shall have no compensation whatever."

On motion,

Report adopted, and bill ordered engrossed and read third time tomorrow.

On motion of Mr. Strickland,

H. F. No. 2, "A bill for an act regulating fees and salaries of certain officers,"

Read first and second time, under a suspension of the rules and referred to the Committee on Ways and Means.

Mr. Dundy moved that 200 copies be ordered printed.

Carried.

The select committee to which was referred

"A bill for an act to prohibit slavery,"

Have had the same under consideration and recommend that it pass.

JOHN M. THAYER,
T. W. TIPTON.

On motion,

The bill was made the special order for Monday next.

On motion of Mr. Dundy,

The Chief Clerk was instructed to procure the printing of 100 copies of all bills introduced in this body, after the same shall have passed a first reading, unless otherwise ordered.

The Committee on Judiciary, to which was referred

C. B No. 35, "An act to fix the time of holding the regular terms of the district court of Douglas county, N. T,"

Have had the same under consideration and beg leave to report back to the Council with a substitute and recommend its passage.

The committee have also had under consideration

C. B. No. 8, "A bill for an act to regulate proceedings against insolvent corporations,"

And recommend its passage.

Also,

C. B. No. 25, "An act to appoint a commissioner to compile, classify, arrange and index the existing general laws of the Territory of Nebraska,"

Report it back without recommendation.

JOHN TAFFE,
T. M. MARQUETTE,
D. D. BELDEN.

Report adopted.

On motion of Mr. Belden,

Mr. Little was granted leave of absence until Friday next.

On motion,

The Council adjourned.

E. P. BREWSTER, Chief Clerk.

COUNCIL CHAMBER,
Thursday, Dec. 20th, 1860.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

Mr. Marquette moved that the Engrossing Clerk be authorized to procure an Enrolling Clerk whenever the business of the Council shall make it necessary.

Mr. Taffe introduced

C. B. No. 40, "An act relative to divorce."

Read first time.

On motion,

Rules suspended and bill read second time by title and referred to Committee on Judiciary.

Mr. Elbert introduced

C. B. No. 41, "An act to vacate a part of the town of Fremont, in Dodge county."

Read first time.

On motion,

Rules suspended and bill read second time by title and referred to Committee on Incorporations.

On motion of Mr. Thayer,

The Council resolved itself into Committee of the Whole to consider.

C. B. No. 25, " An act to appoint a commissioner to compile, classify, arrange and index the existing general laws of the Territory of Nebraska."

Mr. Elbert in the chair.

After remaining sometime therein the committee arose and reported the bill back and recommended that the further consideration of this bill be postponed until one week from next Thursday.

Report adopted.

On motion,

Bill ordered printed.

On motion,

The Clerk was directed to procure 100 printed copies of C. B. No. 8.

On motion of Mr. Dundy,

The Council took up

C. B. No. 30, "A bill for an act to incorporate the South Nebraska rail road company."

On motion of Mr. Taffe,

The bill was ordered engrossed for a third reading.

Mr. Taffe introduced

C. B. No. 42, "An act relative to appeals."

Read first time.

On motion,

Rules suspended, and bill read second and third times by title.

Passed and title agreed to.

Mr. Belden introduced

C. B. No. 43, "A bill for an act fixing the time of holding the terms of the district court in the 1st judicial district."

Read first time.

On motion,

Rules suspended, and bill read second time by title, and referred to Committee on Judiciary.

Mr. Marquette gave notice

Of a bill to require each of the district judges of the Territory to appoint a clerk for every county in their respective districts."

The Committee on Engrossed and Enrolled Bills report back

C. B. No. 27, "An act in relation to the election of assessors,"

As correctly engrossed. JOHN M. THAYER, Chairman.

Mr. Goss moved to amend

C. B. No. 27, "An act in relation to the election of assessors,"

By adding to section 5, "In case a vacancy occur in said office by reason of death, removal, resignation or otherwise, the county commissioners shall fill such vacancy by appointing some suitable person, residing in the district where such vacancy may occur, who shall hold his office for the balance of the unexpired term; provided, that it shall not be necessary to fill any vacancy that may occur after the completion of the assessment valuation and returns next preceding the annual election for such assessor."

Carried.

On motion,

Bills ordered engrossed for a third reading to-morrow.

On leave,

Mr. Elbert gave notice

Of a bill for an act to regulate the settlement of decedents' estates.

On motion,

The Council adjourned. E. P. BREWSTER, Chief Clerk.

COUNCIL CHAMBER,
Friday, Dec. 21st, 1860.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read, corrected and approved.

The Committee on Education to which was referred

C. B. No. 36, "A joint resolution and memorial relative to school lands in the fractional townships in Nebraska,"

Report the bill back and recommend its passage.

T. W. TIPTON, Chairman.

Report adopted, and

On motion,

Bill read third time.

Passed and title agreed to.

Mr. Marquette called up the

"Resolution authorizing the Engrossing Clerk to procure an Enrolling Clerk whenever the business of the Council shall make it necessary."

Mr. Strickland offered as a substitute

"That the Council elect an Enrolling Clerk."

Adopted.

Mr. Marquette moved to postpone the election of Enrolling Clerk until next Thursday.

Carried.

Mr. Dundy introduced,

C. B. No. 44, "An act to incorporate the Table Rock seminary."

Read first time.

On motion,

Rules suspended, and bill read second time by title and referred to Committee on Incorporations.

Call of the Council demanded.

Absent—Mr. Thayer, on committee business.

On motion,

All further proceedings under the call were dispensed with.

The Committee on Engrossed and Enrolled Bills reported

C. B. No. 27, "An act providing for the election of assessors,"

And,

C. B. No. 30, "A bill for an act to incorporate the South Nebrasska rail road company."

As correctly engrossed.

C. B. No. 30, "A bill for an act to incorporate the South Nebraska rail road company."

Read third time.

On motion,

Passed and title agreed to.

C. B. No. 27, "An act providing for the election of assessors."

Read third time.

On motion,

Passed and title agreed to.

On motion of Mr. Strickland,

The Council resolved itself into Committee of the Whole on

C. B. No. 7, "A bill in relations to elections."

Mr. Elbert in the chair.

After remaining sometime therein the committee arose and reported progress and asked leave to sit again.

Granted.

On motion,

The Council adjourned. E. P. Brewster, Chief Clerk.

Council Chamber.
Saturday, Dec. 22d, 1860.

Council met pursuant to adjournment.

President in the chair.

On motion,

Rules suspended and

Mr. Marquette introduced

C. B. No. 45, "A bill for an act to provide for the publication and distribution of the laws of the Territory."

Read first time.

On motion,

Rules suspended, and bill read second time by title and referred to a special committee of three.

Messrs. Marquette, Strickland and Dundy were appointed such committee.

On motion of Mr. Tipton,

The Council adjourned until Wednesday next at 10 o'clock A. M.

E. P. Brewster, Chief Clerk.

Council Chamber,
Wednesday, Dec. 26th, 1860.

Council met pursuant to adjournment.

Called to order by the Clerk.

On motion of Mr. Strickland,

Mr. Taffe was appointed President pro tem.

Journal read, corrected and approved.

Message from the Executive:

EXECUTIVE CHAMBER,
Dec. 26th, 1860.

To the Council:

Mr. President:

I am directed by the Governor to announce to your honorable body the following message:

JOHN MCCONIHE,
Private Secretary.

To the Honorable the Council of the Territory of Nebraska:

I respectfully call your attention to the fact that the whole of the present session of the Legislature, except seventeen working days, has passed away and not one bill has up to this time been sent to the Executive. I make this suggestion in no spirit of complaint, nor do I assume any right to influence in any way your movements or deliberations. But being bound "to examine every bill which shall have passed the Council and House of Representatives," before I can approve and sign it, or if it is not approved, return it with my objections, I have a right to ask that all the legislation of the term shall not be crowded on me at the close of the session.

Not on my own account alone, but for the sake of the people, who are most interested in the laws of the Territory, I request that you will endeavor to hasten the public business so that I may have a reasonable time to examine each bill, after it has passed the Legislature.

SAMUEL W. BLACK,
Governor of Nebraska.

Executive Chamber, Omaha, Dec. 26th, 1860.

On motion of Mr. Tipton,

The Message was referred to a special committee, consisting of Messrs. Tipton, Strickland and Marquette.

Mr. Strickland introduced

C. B. No. 46.

Read first time.

On motion,

Rules suspended and bill read second time by title, and referred to Committee on Incorporations.

On motion of Mr. Thayer,

H. F. No. 3, "An act to prohibit slavery in Nebraska,"

Was taken up.

Mr. Strickland offered the following amendment:

"Provided always, that any person escaping into the Territory from whom labor or service is lawfully claimed in any one of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his service or labor, and as required by the 3d clause of the 2d section of the 4th article of the Constitution of the United States.

Amendment objected to by Mr. Thayer.

Mr. Strickland moved to recommit to the committee with instructions to report the bill with his amendment.

Ayes and nays demanded.

Ayes—Messrs. Belden, Little and Strickland.—3.

Nays—Messrs. Dundy, Elbert, Goss, Marquette, Taffe, Thayer, Tipton and Unthank.—8.

Lost.

On leave, Mr. Little gave notice

Of a bill for an act to confirm the title of John McConihe and William Thomas Clark to certain real estate in the city of Omaha in the Territory of Nebraska.

On motion of Mr. Thayer,

The Council took a recess until 2½ o'clock P. M.

Afternoon Session, 2½ o'clock P. M.

Council met.

Mr. Taffe in the chair.

Message from the House:

House of Representatives,
Dec. 26th, 1860.

Mr. President:

I am instructed to inform your honorable body that the House have passed

H. F. No. 13, "A bill for an act concerning occupying claimants,"

H. F. No. 45, "Memorial and joint resolution relative to certain mail routes."

H. F. No. 46, "Memorial and joint resolution relative to a mail route from Nemaha city to Blue Springs, Gage county."

H. F. No. 52, "A bill for an act granting a bounty on sugar manufactured from sorghum or sugar cane."

And

H. F. No. 61, "A bill for an act to vacate block No. fourteen in the town of Ponca."

And your concurrence therein is requested.

I also return to you

C. B. No. 21, "A bill for an act to repeal an act entitled 'An act to prevent stock running at large in Sarpy county,'" approved January 13th, 1860.

The same having passed the House without amendment.

Geo. L. Seybolt, Chief Clerk.

On motion of Mr. Thayer,

H. F. No. 3, "An act to prohibit slavery in Nebraska."

Read third time.

Ayes and nays demanded upon its passage.

Ayes—Messrs. Dundy, Elbert, Goss, Marquette, Strickland, Taffe, Thayer, Tipton, Unthank and Mr. President.—10.

Nays—Messrs. Belden, Bennett and Little.—3.

Bill passed.

On motion,

Title agreed to.

Mr. Tipton made the following report:

Mr. President:

The Committee on Privileges and Elections, to which was referred the petition of William C. Fleming, who contests the election of E. S. Dundy, the sitting member for the Council district composed of the counties of Richardson and Pawnee, together with the testimony of the parties in the case, have had the same under consideration and find from the testimony and papers in the case, the following facts:

That E. S. Dundy, the sitting member, and William C. Fleming, the contestant, were the only persons balloted for for Councilmen in and for said district, at the general election held on the 9th October, 1860. That the county clerks of the said counties, who constituted the board of canvassers for the said district, met at Falls city, the county seat of Richardson county, on the —— day of October, 1860, for the purpose of canvassing the votes polled for Councilmen in said district. The certificate of election was awarded by said board of canvassers to E. S. Dundy, and was properly issued to him by the county clerk of Richardson county (that being the county first named in the proclamation forming the Council district), which certificate is under the official seal of said clerk, and bears date the —— day of October, A. D. 1860, and is in all respects according to law.

On the —— day of October, 1860, William C. Fleming gave written notice to the said E. S. Dundy of his intention to contest the election and seat of the sitting member, which notice expressed the points on which the election would be contested and the testimony taken. The election law of this Territory, approved 26th January, 1856, under which contestant notified contestee he will proceed, the only one that provides for contested election cases like this, requires the contestant to state specifically the points upon which the election will be contested, the time when and the place where depositions of witnesses will be taken. The act also provides for and creates the tribunal before which the depositions must be taken. The point contained in Mr. Fleming's notice of contest to the sitting member, and the only point, informality, wrong or irregularity in the election complained of by contestant, is the rejection of the vote on the Half-breed Indian reservation between the Great and Little Nemaha rivers.

The contest board organized at Falls city on the 1st Nov., 1860. The board was composed of A. J. DeShazo, county clerk, and ex-officio, a member of the board; John W. Brinnegan chosen by the contestant, and David Dorrington, chosen by contestee.

The testimony of contestant shows that the contestee admitted that the county commissioners of Richardson county established precincts on said reservation at different times, and appointed precinct officers therefor, who gave bond and took the official oath prescribed by law. That residents of said reservation had been elected county officers and representatives in the Legislature, and discharged the duties pertaining to the said offices. That juries had been summoned from said reservation at different times and were empaneled and sworn as such, and that judgments had been rendered against residents of said reserve and the property of the execution debtors sold to satisfy the judgments, but states at the same time that the legality of these questions had never been raised or decided by any tribunal whatever.

Mr. Fleming called the treasurer of Richardson county (Isaac Crook) as a witness, who testifies that a part *only* of the property on the reserve had ever been assessed. That he had not collected taxes from the residents of the reserve as he had in other parts of the county. That not more than one-tenth of the residents of the same had paid any tax, either for the years 1857, 1858, 1859 or 1860. That "more of them refused to pay tax because they lived on the reserve than did pay." Some of them told him they would pay their tax, "because it would make their titles better. He had never undertaken to compel payment of tax, because he thought the alleged right to do so very doubtful." This, with the abstract of votes, completes Mr. Fleming's testimony, of which he notified the contestee, and had the contest board to note the closing of the testimony, and on the 26th November the contest board all join in certifying that this is all the testimony taken by the contestant up to that date.

As your committee do not intend to investigate the character of the Half-breed reservation as such, as involved in this matter of contest, they have made the above statement merely as a part of the history of this case.

The sitting member gave the contestant notice of his intention to take testimony to establish his (Dundy's) right to a seat in this body. The notice was duly served on contestant and contained substantially the following points, to wit: That contestee received the greatest number of legal votes in the said district. That contestant's pretended majority came from off a Half-breed Indian reservation. That illegal votes were polled and counted for contestant at Spizer's precinct, Salem precinct, Muddy precinct and Falls city precinct, in Richardson county. That illegal votes were polled and counted for contestant at the pretended precincts of Arago, St. Stephen and Rulo, which last three precincts are upon and a part of the said reservation, and that the pretended election board at Rulo precinct was illegally constituted, and was induced to receive many illegal votes to avoid threatened personal violence. The testimony taken by the sitting member shows pretty clearly that two Germans and four non-residents of the precinct voted at Spizer precinct for Mr. Fleming. That three non-residents of the Muddy precinct voted for Mr. Fleming; at Salem, where Mr. Fleming received all the votes cast but three, there were forty non-residents of that precinct who voted there, of whom there were eleven Germans and three Irish, and all possibly with two exceptions voted for Mr. Fleming. At Falls City precinct eleven non-residents voted for Mr. Fleming, two of whom were Irish and one Canadian. At the so-called St. Stephen's precinct, one non-resident voted for Mr. Fleming. At the so-called Rulo precinct, where Mr. Fleming received all but five of the votes cast for Councilman, twenty Canadians and French, three Irishmen, two Italians, eight Germans, five Englishmen and Scotchmen, twenty-four non-residents (ten of whom are foreigners), and six or seven Half-breed Indians, all except one of whom voted for Mr. Fleming.

The whole number of non-residents who voted at the said precincts (twenty-seven of whom are foreigners), is eighty-three,..............................	83
Foreigners, unnaturalized, as far as the testimony shows, not included in the above, thirty-eight,..................	38
Half-breeds, seven,..............................	7
Total,..............................	128

The whole number of votes claimed by Mr. Fleming in the district is four hundred and forty-seven, from which deduct at least one hundred and twenty-five illegal votes above specified, which must have been cast for Mr. Fleming, leaves as follows:

Fleming's whole vote,..............................	447
Illegal votes deducted,..............................	125
Fleming's total vote,..............................	322
The vote received by Mr. Dundy in the district and admitted by Mr. Fleming in writing, and which are, so far as Mr. Fleming's testimony shows, unimpeached, is three hundred and ninety-two,..............................	392
Deducting Fleming's vote,..............................	322
Leave a majority in favor of Mr. Dundy of............	70

(seventy votes.)

Your committee are of the opinion that persons have no legal right whatever to vote out of the precinct in which they reside. The 10th section of the election law of 1856, before referred to, expressly requires an elector to "vote in the precinct where he resides at all elections." There is no law that authorizes or countenances a person voting outside of the precinct in which he resides. Your committee are therefore of opinion that the vote of non-residents of precincts polled for the contestant ought not to be counted for him. The 10th section of the election law, before referred to, requires foreigners to declare on oath their intentions to become citizens of the United States, and to take an oath to support the Constitution of the United States and the Organic Act of this Territory to entitle them to vote. Mr. Dundy has proved that at least sixty-one foreigners, mostly Canadians and

Germans, voted for Mr. Fleming. Now after Mr. Dundy had proven these voters to be "foreigners" the "onus" of proof rested on Mr. Fleming to show that they were qualified electors. Mr. Dundy could not be required to prove that these persons were not naturalized. He could not prove that they were not naturalized. He is not required to prove and maintain a negative proposition. That would be contrary to both law and common sense. Mr. Fleming might have proven their qualifications for voting, the evidence showing the necessary qualifications of said voters, if any existed, was in their own hands, and could have been produced, but Mr. Fleming has not seen proper to avail himself of it. Mr. Fleming could have shown that these foreigners had declared their intentions to become citizens—had taken an oath to support the Constitution of the United States and the Organic Law of this Territory, if such was the fact. But he has not done so, and we conclude from the testimony and the neglect or refusal of Mr. Fleming to produce the proof to show their right to vote, that they are not qualified electors of the county in which they voted.

When a foreigner is indicted for voting without being first naturalized, all that is necessary for the prosecution to establish to insure a conviction is, that the defendant is a foreigner, and that he voted (see Patterson vs. State of Ohio, pages 333 and 4, Western Law Monthly). The court in this case say that it would be impossible to prove that the party was not naturalized, but if the defendant was naturalized he could easily show it. And if he did not show that he was a qualified voter, the presumption was that he was an illegal one, and that he must take the consequences. We see no good reason for changing or modifying the rule in this case. On the contrary, we think that any departure from this rule would be fraught with dangerous consequences. We are therefore of opinion that this vote ought not to be counted for Mr. Fleming.

There were six or seven Half-breed Indian votes polled for Mr. Fleming, at Rulo, which ought not, under any circumstances, to be count- They ought to be deducted from the vote polled for Mr. Fleming.

There is another question of greater importance presented in the testimony in this case, though it is not at all difficult to determine.

The testimony shows that two of the persons who acted as judges, and one who acted as clerk, at the Rulo precinct were non-residents of the precinct. The 4th section of the act, before referred to, requires the judges and clerks of election to have and to possess the qualifications of electors, &c., and to reside in the precinct where the election is held. Your committee are clearly of the opinion, that the election held at the said Rulo precinct was illegal and without authority of law. That the vote returned from that precinct, giving Fleming 105 and Dundy 5, ought not under any circumstances to be received and counted for either of the parties to the contest. The vote would then stand thus:

Whole number for Dundy,..	392
Deduct his vote at Rulo,..	5
Whole vote for Dundy,..	387

Whole number for Fleming,..........................	447
Deduct his vote at Rulo,..........................	105
	342
Deduct from Fleming's illegal votes outside of Rulo,..........	64
Fleming's legal vote,..........................	278
Majority for Dundy, admitting and counting the vote from the other precincts on the reservation, one hundred and nine,..	109

One important legal question has been presented to us for our consideration, which we have decided in accordance with law and our convictions of duty.

It will be remembered that Mr. Fleming's notice of contest to the sitting member made one point only upon which he relied and rested his case. He notified the sitting member that he should proceed under and by virtue of the provisions of the act of 26th January, 1856, relative to to elections, to contest his seat, &c. That act requires the contestant to state specifically the points upon which the contest is predicated. Mr. Fleming gave his notice of contest as the law requires. He proceeded under and by virtue of said act and notice of contest, to take his testimony before the board or tribunal provided by said act, to take depositions in such cases. He closed his case and notified contestee of the closing of the same. The contestee gave his notice of the time, place, &c., of taking testimony to contestant. The testimony was taken before the board provided for by said act. The testimony thus taken by the parties was duly certified and sent to the President of the Council, as required by said act. It appears that other testimony was taken by the contestant after he had closed his case in the first instance This testimony was not rebutting testimony; neither was it taken upon points raised in Fleming's notice of contest, nor before the board or tribunal authorized by law to take testimony in such cases.

The contestee files his motion in writing to exclude the said deposition for the following reasons, to wit:

1st. No sufficient or legal notice of the time and place of taking the deposition were given to defendant or contestee.

2d. Contestant did not inform contestee of the points upon which testimony would be taken.

3d. The plaintiff or contestant did not set up, in his notice of contest, the matters upon which the depositions were taken.

4th. The deposition of one witness (John B. Rothenbeyer) is not not signed by him,

5th. The law prescribes the tribunal before which depositions of witnesses may be taken, to be used in contested election cases, and the person before whom the said depositions were taken, is not a person authorized to take depositions in such cases.

This testimony was taken before a notary public, and not before the contest board, as the law requires. The Council has not authorized the taking of this testimony. To admit it under such circumstances would be an act of the greatest injustice to the sitting member. He has had no opportunity to rebut it. If Mr. Fleming wished to take testimony on any such matters as he has in this last instance, he should have stated it in his notice of contest, as the law before referred to requires. Mr. Fleming relied upon that law, so notified the contestee, and if he has been careless and negligent he must take the consequences of his own laches. He ought not to complain of this because his own acts or omissions have made it necessary for us to exclude this deposition. The law regulating contested elections in this Territory is plain and ample in its provisions, and, if properly followed, no injustice can operate against those who seek to avail themselves of its liberal provisions. The safest course to pursue in such cases, is to be governed by the law regulating such matters. Such appears to us to be the wisest and best policy in all cases like this. Such is the uniform and well established practice; and we think that any departure from the general rule would be as unnecessary as it would be improper in this case. We are therefore clearly of the opinion that the points contained in the contestee's motion to exclude the said deposition are well taken. That the motion ought to be sustained, and the deposition excluded.

For these reasons we have excluded the said depositions from our further consideration,

In consideration of the above conclusions, and without any reference to the Half-breed reservation as established by the treaty of Prairie du Chien, your committee are of opinion that William C. Fleming is not entitled to a seat in this Council.

Rev. T. W. Tipton,
Hon. S. H. Elbert.

Mr. Bennett asked leave to submit a minority report on same subject to-morrow.

Granted.

On motion of Mr. Strickland the contested election case of Fleming vs. Dundy was made the special order of the day for to-morrow at 11 o'clock.

On motion of Mr. Belden,

The Council adjourned.

E. P. Brewster, Chief Clerk.

Council Chamber,
Thursday, Dec. 27th, 1860.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

Message from the House:

House of Representatives,
December 27th, 1860.

Mr. President:

I am instructed to inform your honorable body that the House have passed

H. F. No. 37, "An act to establish a ferry across the Platte and Elkhorn rivers in Sarpy county,"

H. F. No. 66, "Joint resolution and memorial for an assay office,"

H. F. No. 72, "An act to authorize the county commissioners of Washington county to build a bridge across the Elkhorn river at Fontenelle,"

H. F. No. 15, "An act to establish a ferry across the Missouri river in Burt county,"

H. F. No. 19, "A bill for an act to authorize J. S. Carr, his associates, heirs and assigns to keep a mill dam across the south branch of Weeping Water in Cass county,"

H. F. No. 24, "Joint memorial praying Congress for an appropriation to defray the expenses of a Geological survey,"

H. F. No. 51, "A bill for an act to amend the charter of Nebraska city,"

And,

H. F. No. 58, "An act to provide for copying the journals of the seventh session of the Territorial Assembly of Nebraska,"

And your concurrence therein is respectfully requested.

Geo. L. Seybolt, Chief Clerk.

The committee to which was referred

C. B. No. 40, "An act relative to divorce,"

And,

H. F. No. 34, "Memorial and joint resolution relative to an organization of the Territory of Jefferson,"

Have had the same under consideration and recommend their passage.

John Taffe,
T. M. Marquette,
D. D. Belden.

Mr. Bennett, from the Committee on Privileges and Elections, submitted the following minority report:

Mr. President:

The minority of your Committee on Privileges and Elections, to which was referred the contested election case of Messrs. Fleming and Dundy, comprising the Council district of Richardson and Pawnee counties, beg leave to report,

The sitting member, Mr. Dundy, occupies his seat from the fact that the votes of the residents upon what is known as the Half-breed tract, in Richardson county, were thrown out and not counted, for the sole reason that said electors lived upon the Half-breed tract.

The minority of your committee knows of no law which recognizes said tract of land as a reservation, in a legal and proper view of the term. But on an examination of the treaty of July 15th, A. D. 1830, it will be found that the Indian title to said tract of land was then extinguished, for the government expressly reserves the right to make titles to said tract in *fee simple*, when the government shall see proper, now if there had been any reservation of the title to said land, how could the government make a title in *fee simple*, to a tract of land to which that same government had recognized a reserved right to said land in another nation, individual or tribe? It is respectfully submitted, that if the government gives a title in fee, to any individual, nation or tribe, that act and fact, in and of itself, extinguishes all former outstanding recognized rights of said government. If a contrary rule is to prevail, it must at once admit and recognize the fact that the government proceeds to give title to that, to which that same government recognizes a title outstanding in another, thereby perpetrating an open and palpable fraud on the part of the government, against a weak and friendly tribe or an unprotected individual. Admit for the purposes of argument, that these individuals on the said Half-breed tract are trespassers on the land, then by what authority of law is it claimed to exclude these votes, and thus disfranchise them? It is only necessary to remark on this point, that the Half-breed reservation is not of the character of the Indian reservation, provided for by the clause of the act we have quoted. It is a tract of land set apart by the treaty of July 15th, 1830, entered into between the United States and certain Indian tribes at Prairie du Chien. In the tenth article of that treaty the Omahas, Iowas and Otoes, for themselves, and in behalf of the Yancton and Santee bands of the Sioux, with the consent, and by the agreement with the United States, set apart these lands as a provision for their Half-breeds, who are to "be suffered to occupy" the same "holding it in the same manner, and by the same title that other Indian titles are held." Besides these provisions, the President of the United States had the power conferred on him to assign portions of these lands to any of the individual Half-breeds, not exceeding a section to an individual, to be held in fee simple. This is only a grant of the land itself to individuals, and not a grant to them as a band or tribe. There is no grant or acknowledgment of sovereignty in the article. There is no stipulation in any part of the treaty that these lands shall not be included in a state or territory. We find in this treaty no foundation for this objection." I am clearly of the opinion that citizens of the Territory of Nebraska, residing upon the said Half-breed tract, are entitled to exercise the right of elective franchise. Further, at the precinct of Falls city, in Richardson county, at the election held on the 9th day of October, A. D. 1860, at which election and precinct Mr. Samuel G. Daily was voted for as a candidate for Congress, and Mr. J. Sterling Morton was also voted for as delegate in Congress, and Mr. Fleming and Mr. Dundy were respectively voted for as candidates for the Council of the Territory of Nebraska, at which said precinct of Falls city, at said election, the day aforesaid, Samuel Armstrong, James Buchanan and David Dorrington, acted as judges of election, and Fred. Dorrington and William W. Buchanan, acted as clerks of election.

Both Mr. Samuel Armstrong and Mr. James Buchanan, two of the judges of election, testify in substance (see their testimony hereunto appended and made a part of this report), that David Dorrington, the other judge of election, opened the ballot-box and put his hand into the ballot-box and took out a handful of votes, and put in a handful of votes in favor of Dundy, and in corroboration of this fact, the list of voters as kept by the clerks, did not correspond with the number of votes counted from the ballot-box. And further, the said Dorrington confessed to Mr. Armstrong that he had changed fifteen votes which were cast in favor of Mr. Fleming to Mr. Dundy; also that said Dorrington in counting out the ballots, threw away ballots in favor of Fleming and substituted other ballots in favor of Dundy; also, on the tickets where the name of Dundy was erased and the name of W. C. Fleming substituted and inserted in lieu thereof, *said Dorrington refused to count them, and they were not counted.*

Such *gross and palpable frauds* should not be countenanced nor recognised. Nor is this all, the ballot box was a *cigar box*, and only fastened with a string or ribbon, and was first placed in the hands of Mr. Schuyler for one hour on the day of election, at noon. And then again at night, after the polls were closed, the ballot box was placed in the hands of Mr. Schuyler, and he had charge of it from 6 o'clock P. M., until between 9 and 10 o'clock of that night. All of this time the judges had no control or power over the ballot box. Who is Mr. Schuyler? And why was the ballot box passed from its sworn custodians, the judges of election, into the hands of an unsworn and irresponsible person? Perhaps the act of Mr. Dorrington, one of the judges of election, in changing votes may serve to explain the reason. Nor is this all, while the vote was yet unannounced to the people, this ballot box was placed into the hands of Mrs. Dorrington (the wife of David Dorrington, the same judge who had changed votes) and remained over night in her possession, and the judges proceed to count the vote the next day. Where was the ballot box over night? Was it in the custody of Mr. or Mrs. Dorrington? In whose chamber was it kept? Who were its watchers? And where was David Dorrington that night? If he would change votes in the presence of associate and sworn officers, what would he do, and what did he do, when the mantle of night and the cover of darkness hid him from all? Who can tell, and who will pretend to say, when he had previously and publicly avowed that all he wanted or cared for, was the election of Dundy and Daily, and in the same breath that he made this avowal, commit an infamous fraud upon the people of Richardson county, by abstracting votes from the people's ballot box.

Your committee therefore find that the ballot box at the Falls city precinct at said election, has been fraudulently tampered with, and therefore, the whole vote should be excluded in determining this contest.

Again, the election law provides that the county clerk shall call to his aid two disinterested householders of the county, and that the county clerk, together with the said two disinterested householders, shall constitute the board of canvassers for the county. In this instance the clerk of Richardson county, A. J. De Shazo, in compliance with said law, called to his aid William H. Mann and Mr. Schuyler; and said canvassing board did adjudge that the votes on the Half-breed tract should be counted, and did count the same as a canvassing-board, it was then the judgment of the board of canvassers that the vote on the so called Half-breed tract should be counted. But after said board of canvassers had made and rendered their judgment, this man De Shazo takes it upon himself to overrule the judgment of the canvassing board in the case of Fleming, and issue a certificate of election (in direct violation of the judgment of the board of canvassers) to E. S. Dundy.

This, it is respectfully submitted, is without precedent, and was of itself, a gross violation of law and a base and palpable fraud. What right or authority had the clerk to act otherwise than in pursuance of and in accordance with the judgment of the board of canvassers?

What is the nature and character of the testimony taken in this case by Mr. Dundy? I think there are objections to it which are insurmountable.

1st. It is not the best evidence the nature of the case admits of.

2d. Most, if not all of it, is hearsay evidence, either of which objections, if true, would be fatal before any legal tribunal governed by well defined and long established rules of law. Independent of any and all *rules* governing the admissions of evidence, the intrinsic and patent weakness, not to say imbecility, of the facts stated by the witnesses themselves, proves nothing which can be relied upon for the exclusion of any votes which were counted for Mr. Fleming.

Witnesses state that certain individuals who voted at said election held in Richardson county, were Germans or Frenchmen; but in no instance does any witness state that such persons were not naturalized or had not declared their intentions to become citizens, the overwhelming presumption of law is that each of them were legal voters, until the contrary is proven. The law never presumes a man guilty of illegal voting, nor neither can I, until such fact is shown by competent and reliable testimony, which is not done in this case.

It is proven that a number of persons, some ten or fifteen, or perhaps more, voted at said election, at election precincts in which they did not reside, but it is nowhere shown that any one of said voters was not a resident of Richardson county, or was not a legal voter in said Richardson county, or that any one of them voted at such election more than once. The statute *directs* where persons shall vote, but it is simply *directory in its terms*, and it is a well defined and long established rule of construction that statutes which are simply directory in their character, need not be strictly complied with. It is not contended but that each of said persons had a legal right to vote in the precinct where they resided and it is not contended or proven but that each of said persons resided in Richardson county, and is it a sufficient reason for disfranchising said persons for the simple reason that they voted at a precinct in said county where they did not reside? I think while this may have been irregular it is no sufficient cause for rejecting their votes. I believe it has been the practice in this territory for a citizen to vote at any precinct in the county where he resided, at least such has been the practice in Otoe county up to the present year, and the law relied upon was passed in 1856.

But better evidence of this practice of voting out of the precincts in which the voters reside is found in the fact that even Mr. Dundy himself did not consider it illegal or wrong, for he at the election held on the 9th day of October, 1860, voted at Franklin precinct, while he lives at Falls city. Certainly Mr. Dundy could not have thought or considered this wrong, or he would not have done so.

It is not shown or proven that there was any such irregularity in the election held at the precinct of Rulo, as should, or legally can invalidate the election at that place. Mere informality or disqualification of a judge of election has never been held to be, and is not a sufficient casue for excluding the vote and disfranchising electors. It is not proven that any fraud was practiced at Rulo precinct; it is true that one of the judges at said election precinct swears he was threatened, but he no where states that he was intimidated from discharging his whole duty, or that he was influenced in any way by such threats, or that the election was in any way or manner improperly conducted.

I therefore find: 1st, That the vote polled at Falls city should be rejected entirely, for the facts and reasons previously set forth in this report.

2d. That the vote upon the so called Half-breed tract should have been counted, for the reason herein previously set forth, and for the further reason that such has been the custom and practice since the organization of this territory.

The territorial legislatures have recognized the settlers upon the so called Half-breed tract, as citizens of this territory, by the incorporation of the town of Archer at the first session, territorial legislature, and by the incorporation of the town of St. Stephens, in 1858, and by the incorporation of Rulo in 1858, and by the incorporation of the town of Arago at the last session of the legislature, all of which towns are situated upon the so called Half-breed tract; and by various other acts of the territorial legislature. That taxes have been levied and collected from the citizens residing upon the said tract in 1858, 1859, and 1860, against real and personal property. Most certainly, citizens of this territory paying taxes ought not to be deprived or denied the right of representation. Said citizens have been frequently summoned and served as jurors, and are held amenable to the civil and criminal laws of this territory.

I therefore find the vote in Richardson and Pawnee counties for councilman to the seventh legislature of the territory of Nebraska, polled on the 9th day of Oct., A. D. 1860, for Mr. Dundy and Mr. Fleming as follows:

Pawnee county,	for Dundy,	112	votes;	Fleming,	167	votes;
Richardson "						
Spicer precinct,	"	42	"	"	45	"
Franklin "	"	23	"	"	19	"
Salem "	"	3	"	"	130	"
Muddy Creek precinct,	"	33	"	"	21	"
St. Stephens "	"	17	"	"	27	"
Arago precinct,	"	46	"	"	19	"
Rulo "	"	5	"	"	105	"
		281			433	

Whole number of legal votes cast for William C. Fleming,.....	433
Whole number of legal votes cast for E. S. Dundy,..........	281
Mr. Fleming's majority of legal votes over Mr. Dundy,......	152

Therefore, I, the minority of your Committee on Privileges and Elections am clearly of the opinion that the said contestant William C. Fleming is rightfully entitled to a seat in this body and should be immediately admitted thereto, all of which is respectfully submitted.

JOHN B. BENNETT.

Testimony Submitted in the Case by Mr. Fleming.

In the contest case of E. S. Dundy and William C. Fleming in the Council of the Legislative Assembly of Nebraska.

The said E. S. Dundy is hereby notified that the depositions to be used in this case will be taken on the part of the said William C. Fleming at the house of James Miller in the city of Rulo, in Richardson county, N. T., on Wednesday, December 12th, 1860, at the office of Isham Revis, in Falls city, in the county of Richardson, on Thursday, Dec. 13th, 1860, and at the store of Lincoln & Holt, in Salem, Richardson county, N. T., on Friday December, 14th, 1860, between the hours of nine o'clock A. M., and nine o'clock P. M., of each day.

WM. C. FLEMING.

Council Chamber, Omaha city, N. T., Dec. 6th, 1860.

WILLIAM C. FLEMING vs. E S. DUNDY.

Before J. C. LINCOLN, Notary Public of said Richardson county, N. T.

Witness produced and sworn on the part of the plaintiff or contestant, in the contested election case wherein William C. Fleming is contestant and E. S. Dundy is contestee; whereof due notice has been given to take testimony in this case on the part of said contestant, said testimony being taken on the 12th day of December, A. D. 1860, at the city of Rulo, Richardson county, between the hours of 9 o'clock A. M., and 9 o'clock P. M., of said day.

JONATHAN MARVIN, of lawful age, being sworn and examined on the part of the plaintiff, deposeth and saith: I was present at the election held October 9th, 1860, at the city of Rulo, Richardson county, N. T.; I saw three men, to wit: Thomas J. Campbell, Peter Strickler and Stoner; I think his name is W. H. who lives with Campbell; they voted at Rulo on that day, but did not vote for Fleming or Dundy for Council; I saw them erase the name of the councilman off their tickets, and immediately deposit them with the judges of election; they do not reside in Rulo precinct. (Signed.) JONATHAN J. MARVIN.

FELIX KITCH, of lawful age, being sworn and examined, deposeth and saith: I am a citizen of Richardson county, N. T.; I assisted in assessing the property of Richardson county in the precinct of Rulo, said lying and being on what is called the Half-breed tract; I have paid tax for the year 1859. (Signed.) FELIX KITCH.

STEPHEN B. MILES, of lawful age, being duly sworn and examined, deposeth and saith: I am a resident of Rulo, Richardson county, N. T.; I own land on the Half-breed tract, Richardson county, and have paid taxes on the same for the years A. D. 1859 and 1860; the amount of taxes I paid for land on the Half-breed tract for the year 1860, including town and personal property, amounts to about one hundred and thirty dollars. (Signed.) S. B. MILES.

EDWARD C. SHERRER, of lawful age, being duly sworn and examined, deposeth and saith: I am a citizen of Rulo city, Richardson county, N. T.; I own real estate upon the Half-breed tract, in Richardson county, N. T., and have paid taxes on it for the year A. D. 1860; I am one of the firm of Easly & Sherrer, and the amount of our taxes (paid for the year 1860), was hundred, and fifty and 47-100 dollars, all of which was paid upon property, being upon said Half-breed tract, with the exception of one hundred and fifty dollars worth of property which was assessed off of said Half-breed tract, which tax amounted probably to about one and 75-100 dollars; I have also paid taxes for Eli Carr for the year 1860, on property assessed on said Half-breed tract.

(Signed.) EDWARD C. SHERRER.

FRANCIS L. GOLDSBERRY being of lawful age and duly sworn and examined, deposeth and saith—I am a citizen of Richardson county, N. T. I assisted in assessing property in Richardson county, N. T., for the year 1860, and that I assessed all the property upon the Half-breed tract in Richardson county, N. T., outside of Rulo precinct that I could find, both real and personal property. I have paid taxes upon real estate on said Half-breed tract, for the years 1858 and 1859.

(Signed.) F. C. GOLDSBERRY.

A. P. FORNEY being of lawful age and duly sworn and examined, deposeth and saith—I am a citizen of Rulo city, N. T. I was at Arago on the 9th day of October A. D. 1860, and there was an election held there. I saw Abel Lyons from Falls city precinct there, and another man I did not know, who lives with Lyons in the Falls city precinct, and they both voted at Arago, and voted for E. S. Dundy for Council. I have paid taxes on real and personal property for the year 1860; said property is on the said Half-breed tract in Richardson county, N. T.

(Signed.) A. P. Forney.

I, J. C. Lincoln, Notary Public, within and for Richardson county, N. T., do certify that in pursuance of notice herein enclosed, came before me at Rulo, in Richardson county, N. T., on December 12th, 1860, Jonathan J. Marvin, Felix Kitch, Stephen B. Miles, Edward C. Sherrer, F. L. Goldsberry and A. P. Forney, who by me were sworn to testify the whole truth of their knowledge touching the matter in controversy aforesaid; and they were examined and their examination reduced to writing and subscribed by them respectively in my presence, on the day between the hours and at the place first aforesaid, and their said depositions are now herewith returned.

[L. S.] Given under my hand and official seal at Salem, Richardson county, N. T., December 14th, A. D. 1860.

(Signed.) J. C. Lincoln, Notary Public.

WILLIAM C. FLEMING vs. E. S. DUNDY.

Before J. C. Lincoln, Notary Public of said Richardson county, N. T.

Witnesses produced and sworn on the part of the plaintiff or contestant on the contested election case, wherein W. C. Fleming is contestant and E. S. Dundy is contestee. On the thirteenth day of December, A. D. 1860, between the hours of nine o'clock, A. M. and nine o'clock, P. M. of said day, at the office of Isham Reavis, town of Falls city, Richardson county, N. T., whereof due notice has been given to take testimony in this case on the part of said contestant. Contestant present in person, and contestee, Dundy, by Wm. M. Maddox, Atty.

Samuel Armstrong, of lawful age, being duly sworn and examined on the part of phaintiff, deposeth and sayeth: I was at Falls city, Richardson county, on the ninth day of October, 1860; I was one of the judges of election being held there that day; there were two candidates for Council, W. C. Fleming and E. S. Dundy, and were voted for here on that day; David Dorrington, myself and James Buchanan were judges of election and Fred Dorrington and Wm. W. Buchanan were clerks of election at Falls city precinct. I received the ballots at the window part of the time, and part of the time David Dorrington; commenced counting ballots out that night and did not finish until next day in the forenoon; I saw David Dorrington change some ballots; he changed tickets for those in favor of Dundy; he changed some fifteen votes in favor of Dundy; I did not see any of the others of the board change any ballots at that time.

Cross examination.—Mr. Dorrington told me he changed them from Fleming to Mr. Dundy; the tickets were in print; I can read print well enough; I had an opportunity of reading the tickets; Mr. Fleming's name was on the tickets taken out of the ballot box; I saw Mr. Dundy's name on the tickets placed in the box in place of those.

(Signed.) MARK his X mark ARMSTRONG.

Witness, J. C. LINCOLN.

A. J. DESHAZO, being of lawful age and duly sworn and examined, deposeth and sayeth: I am county clerk of Richardson county, N. T. In the contest case of Mr. Fleming and Mr. Dundy, Mr. Dundy has finished his testimony; he closed on the 29th day of November, 1860; I understood he, Dundy, started for Omaha on the morning of the 29th of November, 1860; I presume he took his evidence with him as Jamison was deputy clerk and there is no evidence of his in my office.

(Signed.) A. J. DESHAZO.

JAMES BUCHANAN, being of lawful age and duly sworn and examined, deposeth and saith—I was at Falls city on the ninth (9) day of October, 1860; was one of the judges of election at that place; Wm. C. Fleming and E. S. Dundy were candidates for Council; I saw David Dorrington while counting the votes out of the ballot-box, take out of the box a hand full of tickets and put them in his pocket, he put his hand in another pocket and took out a hand full of papers that looked like tickets and put them in the ballot-box; one dropped on the floor, he picked that up and put it in the ballot-box; he then went on counting the votes out of the box; called them out different from what they were on the ballots; in counting out the ballots there were one hundred and twenty-one tickets, and the poll books show that there were one hundred and twenty-three or four.

But Dorrington took tickets out of the box and put others in; I heard Dorrington say that all that he cared about or wanted, or most, was, he was for electing Dundy and Daily; at noon the ballot-box was left with a private citizen, Mr. Schuyler; then at night, after the polls were closed we took the ballot box and gave it to Mr. Schuyler again, out of our control entirely; Mr. Schuyler had charge of it from six o'clock P. M. until nine or ten o'clock P. M.; Mr. Schuyler afterwards gave us the ballot box and we commenced counting the ballots; after counting we adjourned until next morning, and David Dorrington told Samuel Armstrong to give the box to Mrs. Dorrington; Mr. Armstrong told me he gave it to Mrs. Dorrington; next day after the election the board of election got together and the ballots were recounted and different from what they were the night before; there were some tickets where the names for Council were erased, and Mr. Fleming's name was written opposite, and Mr. Dorrington refused to have them counted and they were not counted; the ballot box was a common cigar box, and had no other fastening with the exception of being tied with a ribbon; they requested me to sign the poll books, but I refused to do so, because they were not correct.

Cross-examination.—The ballot box was left by agreement at Mr. Schuyler's; there was nothing said against leaving the ballot box with

Mrs. Dorrington in the evening; I was not willing to leave them there, as it was against my wishes; because I did not consider it a safe place; I did not make my objections known because I thought it of no use, as a majority were against me. (Signed.) JAMES BUCHANAN.

CARROL D. REAVIS, being of lawful age and duly sworn and examined deposeth and sayeth: I am acquainted with Wm. McFarland; he voted at the Falls city precinct; heard him say he voted for Dundy; he is an Irishman. (Signed.) CARROL D. REAVIS.

ISHAM REAVIS, being of lawful age and duly sworn and examined, deposeth and sayeth: That I voted at Rulo, Rulo precinct, on the ninth day of October last and voted for E. S. Dundy for Council, and was not at that time a resident of the said Rulo precinct.

(Signed.) ISHAM REAVIS.

JAMES BUCHANAN recalled: I know of an Englishman that voted at Falls city precinct; he voted for E. S. Dundy; he said he was a resident of Canada, and told me that he was not naturalized nor never intended to be; I heard Michael Farrel say that he and his brothers voted for Dundy for Council on the ninth day of October last; he has four brothers and they all voted at Falls city and are Irishmen.

(Signed.) JAMES BUCHANAN.

Certificate offered as evidence on part of contestant.

TERRITORY OF NEBRASKA, }
County of Richardson. } ss.

I, WILLIAM H. MANN, Register of Deeds in and for said county, do hereby certify that there are "warranty deeds" of record in my office for land on the Half-breed Indian reservation in said county of Richardson.

Given under my hand at office in Falls city, this 12th day of December, 1860. W. H. MANN, Register.

I, J. C. LINCOLN, Notary Public within and for Richardson county, N. T., do certify that in pursuance of notice herein enclosed, came before me at Falls city, Richardson county, N. T., December 13th, 1860, Samuel Armstrong, James Buchanan, A. J. De Shazo, Isham Reavis and Carroll D. Reavis, who by me were sworn to testify the whole truth of their knowledge, touching the matter in controversy aforesaid, and they were examined, and their examination reduced to writing and subscribed by them respectively in my presence on the day, between the hours and at the place first aforesaid, and their said depositions are now herewith returned.

Given under my hand and official seal at Salem, in Richardson
[L. S.] county, N. T., December 14th, 1860.

(Signed,) J. C. LINCOLN, Notary Public.

WILLIAM C. FLEMING vs. E. S. DUNDY.

Before J. C. Lincoln, Notary Public of said Richardson county, N. T.

Witnesses produced and sworn on the part of the plaintiff or contestant, in the contested election case wherein William C. Fleming is contestant and E. S. Dundy contestee, whereof due notice has been given to take testimony in this case on the part of said contestant, said testimony being taken on the 14th day of December, A. D. 1860, at the town of Salem in Richardson county, N. T., between the hours of nine o'clock A. M. and nine o'clock P. M. on said day.

Richard M. Delong, of lawful age, and being duly sworn and examined, deposeth and saith: I am a citizen of Richardson county, N. T., Salem precinct; I was at Salem on the 9th day of October, 1860, there was an election being held; J. M. Washburn, Thomas Gump and myself were judges of election; I received the ballots at the window; all persons that voted outside of Salem precinct were sworn by me as far as I was able to learn from them and by the board that they lived out of the precinct, I have been judge of election at this place about two years, and it has always been customary to receive all votes that lived out of the precinct and within the county, on being sworn that they would not nor had not voted at any other precinct during that election.

(Signed.) Richard M. Delong.

George H. McPherson, of lawful age, being duly sworn and examined, deposeth and saith: I reside in Salem, Richardson county, N. T.; I was at Falls city, Richardson county, N. T., on the 9th day of October last; there was an election being held there; I voted at Falls city, and was sworn by the judges of election; I did not show my ticket to any man, nor did I tell any person how I voted for Council.

(Signed.) George H. McPherson.

John B. Rotenberger, of lawful age, being duly sworn and examined, deposeth and saith: I am a citizen of Richardson county, N. T.; I live in Spizer precinct; I was at Spizer precinct on the day of the last election, held October 9th, 1860; I voted there; I voted for E. S. Dundy; I am French.

Joseph Watton, of lawful age, being duly sworn and examined, deposeth and saith: I am a citizen of Richardson county, N. T.; I reside in Spizer precinct; I was at Spizer precinct on the day of election, October 9th, 1860; I voted there; I know John B. Rotenberger, and I am satisfied he is a Frenchman.

(Signed.) Joseph Wattron.

Richard M. Delong recalled: I was judge of election of Salem precinct, in Richardson county, N. T., and administered an oath to the following named persons (as said persons are said to live without the Salem precinct, and in the limits of said Richardson county): A. Schoemaker, Henry Honnen, F. Honnen, J. Kuntze, J. B. Ely, David Matton, B. Matton, G. W. Baum, Josiah M. Harris, John H. Harris, Charles Cornell, D. W. Pierce, Sr., A. Wamsly, George Coffman, Cyrus Dunning, James

Quinlan, M. E. Quinlan, Aaron Wells, Erie Wells, Francis Wells, Reuben Borden, D. Hulling, Henry Hart, S. J. Hays, George S. Hays, J. A. N. Hays; the oath administered to the foregoing list of persons was to the effect, that they would not, nor have not voted at any other precinct during that election.

(Signed) RICHARD M. DELONG.

AUGUST SCHOEMAKER, of lawful age, being duly sworn and examined, deposeth and saith: I am a citizen of Richardson county, N. T.; I was at Salem on the day of election, October 9th, 1860, and voted; I have declared my intention under oath to become a citizen of the United States, and received the proper papers entitling me to citizenship; I know H. Honnen, F. Honnen, J. Kuntze, J. B. Ely, and know that they are citizens of the United States, according to law; also David Matton and B. Matton. (Signed.) AUGUST SCHOEMAKER.

I do hereby certify that John B. Rotenberger was duly sworn at Salem, and made the statements therein mentioned, and said they were correct, and refused to sign his name, because he said he never signed anything, and my reason for not enforcing the law was, that the evidence according to notice, should close to-day, Dec. 14th, A. D. 1860, and plaintiff desired to leave and have his testimony at the city of Omaha as early as possible.

[L. S.] Given under my hand and official seal at my office in Salem, in Richardson county, N. T., Dec. 14th, A. D., 1860.

J. C. LINCOLN, Notary Public.

I, J. C. LINCOLN, Notary Public, within and for Richardson county, N. T., do certify that in pursuance of notice herein enclosed and attached to the testimony taken at Rulo, came before me at Salem, Richardson county, N. T., Dec. 14th, A. D. 1860, Richard M. Delong, George H. McPherson, John B. Rotenberger, Joseph Walton and August Schoemaker, who by me, were sworn to testify the whole truth of their knowledge touching the matter in controversy aforesaid, and they were examined and their examinations reduced to writing and subscribed by them respectively (except J. B. Rotenberger) in my presence on the day between the hours and at the place first aforesaid, and their said depositions are now herewith returned.

[L. S.] Given under my hand and official seal at Salem, Richardson county, N. T., Dec. 14, 1860.

J. C. LINCOLN, Notary Public.

I, J. C. LINCOLN, Notary Public, within and for the county of Richardson, N. T., do certify that according to notice herein inclosed, that the foregoing testimony was taken before me, to wit: At the house of James Miller in Rulo city, Richardson county, N. T., between the hours of 9 o'clock A. M., and 9 o'clock P. M. of said day, Dec. 12th, A. D. 1860; and at the office of Isham Reavis in Falls city in Richardson county, N. T., Dec. 13th, 1860, between the hours of 9 o'clock A. M. and 9 o'clock P. M. of said day; and at Lincoln & Holt's store in Salem, Richardson county, N. T., Dec. 14th, A. D. 1860, between the hours of 9 o'clock A. M. and 9 o'clock P. M. of said day, and comprises all the testimony taken before me in this case, and are herewith returned.

[L. s.] Given under my hand and official seal at Salem, Richardson county, N. T., this fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty.

J. C. Lincoln, Notary Public,
Richardson county, N. T.

Territory of Nebraska,
County of Richardson.

We the undersigned board of contest in the case of William C. Fleming, contestant, and E. S. Dundy, contestee, do hereby certify that the foregoing is all the testimony and papers connected with the case on the part of William C. Fleming contestant.

[L. s.] In witness whereof, we hereunto set our hands, and affixed the seal of said county, this the 26th day of November, A. D. 1860.

(Signed.) A. J. De Shazo, County Clerk.
David Dorrington,
John W. Bineger.

William C. Fleming proposes to prove by Isaac Crook that the said Crook is Treasurer of Richardson county, and that he (said Crook), has collected taxes of persons residing on the Half-breed Indian reservation, in the same manner as in other parts of the county.

Objected to by E. S. Dundy, on the grounds that no such notice, or any notice of such testimony was ever given him.

Objection overruled.

Isaac Crook are you the Treasurer of Richardson county?

I am.

How long have you held that office?

Ever since August, 1857.

In the collection of taxes, have you collected any taxes on the Half-breed lands?

I have from some of them; I have not collected taxes generally, as I have in other parts of the county; I have collected taxes from Houston Nuckolls and some others; the duplicates embraces a part of the property on the Half-breed lands.

Cross-examination.—What proportion of the people on the Half-breed lands have paid their taxes for the years, 1857, '58, '59 and '60?

I think not more than one-tenth.

Did they not object to paying their taxes, because they lived on the Half-breed lands?

Some of them did.

Did not a large proportion refuse to pay their taxes because they lived on the Half-breed lands?

More refused to pay their taxes because they lived on the Half-breed lands than did pay; I have never undertaken to compel them to pay their taxes; I have not, it was very doubtful in my mind whether I had the right to collect on this Half-breed land; in the year 1858, Houston Nuckolls said he chose to pay taxes, for it would make his title better.

(Signed.) ISAAC CROOK.

E. S. Dundy admits that persons residing upon the reserve were elected justices of the peace and constables, that the bonds given by them were accepted by the county commissioners of Richardson county and that they took the official oath prescribed by law.

There being no further testimony this contest is closed on the part of the contestant, William C. Fleming.

DAVID DORRINGTON,
JOHN W. BRINEGAN, Contest Board.
A. J. DE SHAZO, County Clerk.

WILLIAM C. FLEMING, Contestant, vs. E. S. DUNDY, Contestee.

Before A. J. DE SHAZO, JOHN W. BRINEGAN and DAVID DORRINGTON, Contest Board, on the 1st day of November, 1860.

I, E. S. DUNDY, contestee above named, hereby admit that the acting county commissioners of Richardson county, Nebraska Territory, did in the year 1858 lay out and establish two election precincts upon the Half-breed Indian reservation, lying between the Nemaha rivers, in what is called by contestant Fleming to be a part of Richardson county, designating them as Rulo and St. Stephens precincts. The places of voting were for Rulo precinct, Rulo city, and St. Stephen precinct, St. Stephen. At the time the said precincts were so formed the said commissioners appointed justices of the peace and constables for the said precincts for the convenience of the people and residents thereon. The persons so appointed acted in the capacity and assumed the duties of justices of the peace and constables of and for said precincts. At the election held in 1858 F. L. Goldsbury, a resident of said Half-breed reserve was elected to the office of county commissioner for said county and acted as such for one year. At the same election James D. Ramsay, a resident upon said reserve, was elected a representative for Richardson county to Legislature of Nebraska Territory and discharged the duties of the said office. At the same election the board of canvassers of said county rejected the returns from the St. Stephens precinct for an alleged informality in the return therefrom. The action of said board changed the result of said election for councilman in the Council district composed of the counties of Richardson and Pawnee. Charles McDonald and E. S. Dundy were competitors for said office, and including the entire vote returned in the district aforesaid, E. S. Dundy had a clear majority of all the votes cast, but by the rejection of the returns from said St. Stephens precinct, Mr. McDonald received the certificate of election. E. S. Dundy contested Mr. McDonald's election and had the seat occupied by Mr. McDonald awarded to him by the Council of the Territory. E. S. Dundy had a small majority of the vote over him, Mr. McDonald, in the said Council district, outside and apart from the vote polled in and returned from said Half-breed Indian reservation, but the question of legality of the vote thereon was not raised in the contest between said McDonald and Dundy, nor decided by said Council. The county commissioners of said county did, in the year 1860, lay out and establish an additional election precinct on said Indian reservation, and designated it as Arago precinct; the place of voting was fixed at Arago.

At the general election held on the — day of October, 1859, in addition to the election of justices of the peace and constables in each of said precincts, situated upon said reservation, Charles F. Walther, a resident of said reservation, was elected probate judge of said county of Richardson, and he has since acted as probate judge of said county. At the same election, Houston Nuckolls, also a resident upon said Half-breed reservation, was elected a representative to the territorial legislature for the said county and discharged the duties as such. At the general election held on 9th October, 1860, in addition to the election of justices of the peace and constables for said precincts, A. M. Acton, a resident of said reserve was elected a representative to the territorial legislature for said county, and a certificate of election made out to that effect.

Persons residing upon the said Half-breed reservation have at different times since the establishment of precincts on said reservation been summoned and empaneled as grand and petit jurors for said county, and in a number of cases judgments have been rendered against persons who reside on said reserve and executions have been issued against the property of such persons, and their property sold by virtue thereof. And by virtue of an execution issued out of the district court of said county tested at Falls city, N. T., the — day of October, 1860, certain real estate is advertised for sale on the 24th of November, 1860, by the sheriff of said county, taken as the property of the Yancton town company at the suit of E. S. Dundy. The matters and things set forth in foregoing statement are by me admitted at the request of William C. Fleming, and with the understanding and belief that the same are true as stated, but nothing therein contained is to be so construed as to warrant the understanding or belief that the proceedings detailed therein are in conformity to law, or that the question has ever been raised and decided by any tribunal whatever, except the board of canvassers of of the late election. E. S. Dundy.

Falls City, Richardson county, N. T.

We hereby certify that the following is a correct abstract of the votes polled at the October election held on the 9th day, 1860, in Richardson county in Nebraska Territory, as shown by the election returns this day canvassed by the undersigned this 12th day of October, A. D. 1860.

J. Sterling Morton received 365 votes for Delegate to Congress.
S. G. Daily " 275 " "

E. S. Dundy	received	280	votes for	Councilman.
W. C. Fleming	“	380	“	“
A. M. Acton	“	363	“	Representative.
H. B. Porter	“	403	“	“
F. A. Tisdel	“	372	“	“
Louis Allgewahr	“	278	“	“
E. J. Davenport	“	250	“	“
Isham Reavis	“	240	“	“
F. Ferguson	“	255	“	County Commissioner.
Levi Forbes	“	380	“	“
Joseph Broady	“	433	“	Surveyor.
O. M. Johnson	“	378	“	Coroner.
O. J. Tinker	“	140	“	“

St. Stephens Precinct No. 5.

W. W. Morgan	received	23	votes for	Justice of the Peace.
J. T. Kinzer	“	10	“	“
H. Harvey	“	30	“	Constable.
J. T. Kinzer	“	22	“	“
G. W. Cooley	“	12	“	“

Muddy Creek Precinct No. 8.

J. H. Jones	received	26	votes for	Justice of the Peace.
W. I. McCord	“	16	“	“
C. Slagle	“	10	“	“
W. T. Stout	“	25	“	“
S. McDaniel	“	10	“	“
O. M. Johnson	“	10	“	Constable.
John L. Crow	“	19	“	“
O. M. Adamson	“	19	“	“
John Shook	“	35	“	“

Falls City Precinct No. 1.

W. W. Buchanan	received	62	votes for	Justice of the Peace.
L. Henry	“	43	“	“
E. W. Hutchinson	“	76	“	Constable.
McCormick	“	7	“	“
W. M. Maddox,	“	1	“	“

Rulo Precinct, No. 4.

O. P. Forney	received	75	votes for	Justice of the Peace.
Israel May	“	32	“	“ “
J. P. Sherman	“	79	“	Constable.
H. T. Potter	“	10	“	“

Salem Precinct, No. 2.

G. H. McPherson	received	56	votes for	Constable.
E. Courtright,	“	1	“	“

Arago Precinct, No. 7.

H. W. Somerlad	received	43	votes for	Justice of the Peace.
H. Heuston	"	6	"	" "
C. Grabb	"	35	"	Constable.
L. Huber	"	25	"	"

Spizer Precinct, No. 3.

S. M. Duryea	received	35	votes for	Justice of the Peace.
O. W. Duning	"	35	"	" "
J. T. Craig	"	3	"	" "
Jas. Halcom, Jr.,	"	41	"	Constable.
B. G. Ackerman	"	24	"	"
John Seginbill	"	4	"	"

A. J. DeShazo, County Clerk,
W. H. Mann.

I sign the abstract except the Half-breed reserve.

S. H. Shurler.

Falls City, Richardson County, N. T.

We the undersigned hereby certify that the following is a correct abstract of the votes polled at the October election, held on the 9th day of October, 1860, in Pawnee county, N. T., and the seven precincts in Richardson, as agreed on by the board of canvassers of Richardson county, N. T.:

		Received.			Received.	
Pawnee county,	E. S. Dundy,	112	votes;	W. C. Fleming,	67	votes.
Richardson "						
Muddy precinct,	"	33	"	"	21	"
Salem "	"	3	"	"	130	"
Franklin "	"	23	"	"	19	"
Falls City "	"	111	"	"	14	"
Spizer "	"	42	"	"	45	"
		324			296	

A. J. DeShazo, C. C. R. C.
M. D. Anderson, C. P. C.
By David Butler, Deputy.

And the following is a correct number of votes cast in the several precincts in Richardson county, disagreed on by the board of canvassers in said county of Richardson:

Arago precinct,	E. S. Dundy,	46	votes;	W. C. Fleming,	19	votes.
Rulo "	"	5	"	"	105	"
St. Stephens precinct,	"	17	"	"	27	"
		68			151	

A. J. DeShazo, C. C. R. C.
M. D. Anderson, C. P. C.
By David Butler, Deputy.

TERRITORY OF NEBRASKA, }
County of Richardson. } ss.

I, A. J. DeShazo, County Clerk in and for said county of Richardson, do hereby certify that the above is a true and correct copy of the abstract of the votes as canvassed by the board of canvassers of Richardson and Pawnee counties, as the same appears of record in my office.

In witness whereof, I have hereunto set my hand and seal of said [L. S.] county, at office in Falls city, N. T., this 2d day of November, A. D. 1860. (Signed.)

A. J. DESHAZO, County Clerk.

WILLIAM C. FLEMING, Contestant, vs. E. S. DUNDY, Contestee.

Before A. J. DESHAZO, JOHN W. BRINEGAR and DAVID DORRINGTON, Contest Board for Richardson county, Neb. Ter., on the 20th day of November, 1860.

Notice of Taking Testimony, &c.

To William C. Fleming, contestant above named:

Sir—You are hereby notified, that I shall on the 20th day of November, A. D. 1860, between the hours of 9 o'clock A. M., and six o'clock P. M., before the contest board above named, or two of the said board, at the office of A. J. DeShazo, Esq., county clerk of Richardson county, Neb. Ter., in Falls city, proceed to take depositions of witnesses, abstracts of votes polled at the election in Richardson and Pawnee counties, on the 9th day of October, 1860, and certified copies of records in custody of the county clerk of said county, and continue the examination of witnesses, taking testimony, &c., from day to day, until the testimony on my side is fully completed, to establish my right and election as a member of the Council of the Territory of Nebraska, for the Council district composed of the counties of Richardson and Pawnee, when and where you can, if you see proper, appear and cross-examine.

The points upon which I shall take testimony to establish my right to a seat in the Council of said Territory for the two years next following the said election, are:

1st. That I received more legal votes in the said Council district, on the 9th October, 1860, for Councilman, than you or any other person, did.

2d. That your pretended majority of the votes polled at said election in said district, came from off a Half-breed or Indian reservation.

3d. That illegal votes were polled and counted for you at Saint Stephen, Arago and Rulo, which you claim to be Richardson county, at Falls city precinct, Muddy precinct, Salem precinct and Spizer precinct, all in Richardson county (that being a part of said Council district for councilman, on the 9th October, 1860.

4th. That more votes were polled for me at the Salem precinct in Richardson county, for said office, than were counted for me.

5th. That fraudulent voting was done at the pretended Rulo precinct, and the board of election, or persons acting as an election board at said place, were induced and compelled to receive illegal votes to prevent threatened personal violence.

6th. The election board at Rulo was not legally constituted or sworn as such, nor by any person possessing the necessary qualifications for administering oaths.

All of which said points I expect to establish by testimony to be then and there taken.

Yours very respectfully,
E. S. Dundy.

I hereby acknowledge having received a copy of the above notice on Friday, the 16th day of November, 1860.

20th Nov. 1860. William C. Fleming.

Territory of Nebraska, }
County of Richardson. }

Depositions of witnesses produced, sworn and examined before the contest board in the case of William C. Fleming, contestant. and E. S. Dundy contestee, at Falls city, N. T., commencing on the 20th of November, A. D. 1860, in pursuance of notice of contestee hereto attached. Contest board—A. J. De Shazo, David Dorrington and John W. Brinegar. Present—A. J. De Shazo and David Dorrington. Contestant and contestee both present.

William C. Fleming, contestant, admitted his signature to be genuine to the acknowledgment of service of notice, &c., hereto attached, dated 20th of November, 1860.

David L. Thompson, first duly sworn, deposeth and saith: I was at Falls city on the 9th of October, 1860; an election was being held that day; I voted that day at Falls city precinct; I voted for William C. Fleming, for councilman; I did not reside in Falls city precinct at that time; I know a man by the name of John Billings; I saw him vote that day at Falls city; he voted for Fleming that day; I think he does not reside in Falls city precinct; I saw G. H. McPherson in Falls city that day; he was electioneering; he (McPherson) said that he voted for Wm. C. Fleming; I dont think he resides in Falls city precinct; I saw A. M. Acton in Falls city on the day of election; I saw him vote; he voted for Wm. C. Fleming for councilman; he did not at that time reside in Falls city precinct.

James F. Miller was in Falls city on the day of election; he (James F. Miller) voted for William C. Fleming for councilman in Falls city; he does not reside in Falls city precinct; George Miller was in Falls city on the day of election; he voted in Falls city; he voted for Wm. C. Fleming. for councilman; he did not at that time reside in Falls city precinct; I know Joseph Brady; he was in Falls city on the day of election.

Cross-examination.—I know I don't live in Falls city precinct because I live in Muddy precinct; I live seven or eight miles north of Falls city precinct; I know James F. Miller voted for Wm. C. Fleming because he showed me his ticket and I saw him vote; I know where John Billings; lives because I have been to his house; he lives in Salem; I saw Billings vote; he voted the same ticket that I saw; I was standing by and saw A. M. Acton vote.

(Signed.) David L. Thompson.

Adjourned until 9 o'clock A. M. on the 21st November, 1860, in order to give contestee further time to complete testimony.

A. J. De Shazo,
David Dorrington.

David Dorrington being produced and sworn and examined on the part of contestee, this 21st day of November, 1860, at 10 o'clock A. M., saith: I know Felix Kitch, Joseph Brazeau, Thomas Farrel, Joseph Brody; they were all at Falls city, in the Falls city precinct, Richardson county, on the 9th of October, 1860; they all voted at the election in that place on that day; they all voted for Wm. C. Fleming for councilman; they did not at that time reside in Falls city precinct; George Miller and G. H. McPherson also voted at Falls city precinct on that day for Wm. C. Fleming for councilman; they did not reside in Falls city precinct at that time; I saw the tickets of the persons above named; saw them vote and know how they voted.

(Signed.) David Dorrington.

Joseph Walton being produced and sworn and examined on the part of the contestee, this 21st day of November, 1860, at 10 o'clock A. M.: I am acquainted with O. J. Tinker, John Cortlett, J. W. Roberts, John Wittwar, Jacob Wittwar and F. A. Tisdel; they were at Spizer precinct on the day of election, on the 9th of October, 1860, and voted there; Tinker voted for Fleming and told me so; Tinker resides in Franklin precinct; Cortlett said he voted for Fleming for councilman; he did not at that time reside in Spizer precinct; J. H. Roberts voted for Fleming; he did not at that time reside in Spizer precinct; I heard F. A. Tisdel say he voted for Fleming; he did not at that time reside in Spizer precinct; Jacob Wittwar and John Wittwar voted for Fleming for councilman, they are both Germans; the men above named all worked or electioneered for Fleming; I know John Jones, John Fetter, Henry Honnon, David Matten, Barnard Matten, John Kuhns, John Ely, F. Honnon, Samuel Craig, W. H. McIntosh, Jacob Hammond, Charles Debrick, August Shoemaker, John Randall, Cyrus Dunning, they all live in Spizer precinct and I suppose voted in Salem precinct; John Fetter is a German; Henry Honnon, David Matten, Barnard Matten, John Kuhns, John Ely, are Germans; Fritz Honnon, Jacob Hammond, August Shoemaker, are Germans; I heard John Kuhns, August Shoemaker, John Ely, Henry Honnon, F. Honnon, David Matten, Bernard Matten say they were going to Salem to vote, they also afterwards told me they had been there and voted; I know Christopher Warner, he is a German, he voted at Salem; I know S. Helling, he lives in Muddy precinct, he is a German, he voted at Salem;

Eli Wells voted at Salem and was not at that time a resident of Salem precinct; I know Robert Bradly, John McMahan, Jackson Vansickle, R. McMahan, Aaron McMahan, John Bradly, Louis L. Hays, Geo. L. Hays, John A. N. Hays, Henry Hart, J. Rumells, M. E. Quinlan, James Quinlan, all of whom voted at Salem and were not at that time residents of that precinct, the said Quinlan and Hart are Irishmen; I know Michael Riley, he voted at Falls city at the said election, and told me that he voted for Fleming for councilman; he did not at that time reside in Falls city precinct. (Signed.) JOSEPH WALTON.

Adjourned until to-morrow morning the 22d Nov., 1860, at 7 o'clock A. M., for the purpose of giving contestee further time to complete testimony; this day both parties were present in propria personæ.

A. J. DE SHAZO, Clerk.
By S. R. JAMISON, Deputy.
DAVID DORRINGTON.

Depositions of witnesses produced, sworn and examined on the part of the contestee in the case of W. C. Fleming contestant and E. S. Dundy contestee, in pursuance of adjournment heretofore made.

8 o'clock, 22d Nov., 1860.

D. DORRINGTON being first duly sworn, deposeth and saith: I know Thomas Farrell who voted at Falls city on the 9th of October, 1860, he is an Irishman; I know Joseph Brazeau who voted at Falls city on said day, he is a Canadian; I know Francis Bercier, whose name appears on the poll books and who must have voted at Rulo on said day, he is a Canadian and he told me so; I know Francis Lacharitz, Eli Plant, —— Martin, Bruno Commoyes, Louis Lammereux, all of whom voted at Rulo on said 9th of October, 1860, and are Canadians; I know Morris Joy, who voted at Rulo on said day, and know him to be an Irishman. (Signed.) DAVID DORRINGTON.

Adjourned until to-morrow the 23d Nov., 1860, at 10 o'clock A. M., for the purpose of giving contestee further time to complete testimony.

DAVID DORRINGTON,
A. J. DE SHAZO,
Per S. R. JAMISON, Dep.

DAVID DORRINGTON recalled—and the testimony continued this 23d day of Nov., 1860, at 10 o'clock A. M., further deposeth and saith: I know J. B. A. Lagrasha, John Hall, Charles Bessier, Charles Carvazakie, Charles De Gray, Peter Hebert, Jacob Reed, John Reed, John Mellen, Joseph Forney, Louis Manar, Anthony Godfrey, Wm. Baldwin, Alex. St. Louis, J. J. Campbell, W. H. Stoner, Wm. King, John Bowker, Auguste Hall, Robert D. Whitecloud, J. W. Love, Wm. Whitecloud, whose names are all upon the Rulo poll book, and on the 9th of October, 1860, as having at the election held at that time, at that place, and who must have voted then and there; J. B. A. Lagrasha, Peter Hebert, Louis Manar, Alex. St. Louis, are Canadians; John Hall, John Mellen, Auguste Hall, are Germans; Charles Bessier, Charles Carvazakie, are Italians; Anthony Godfrey is a Frenchman; Jacob and John Reed, Joseph Forney, Wm. Baldwin, J. J. Campbell, W. H. Stoner, did not at the time of the election, reside in the Rulo precinct; Charles De Gray, Robt. D. Whitecloud, Wm. Whitecloud are Half-breeds; Wm. King, John Bowker and William Baldwin are Englishmen; J. W. Love is a Scotchman.

Cross-examination.—J. B. A. Lagrasha, Peter Hebert, Alex. St. Louis, Louis Manar I do not know from my own knowledge are Canadians, but from what I have heard some of them say; I have heard Peter Hebert say he was a Canadian; that J. W. Love is a Scotchman, I know from his brogue; I do not know that Love was born in Scotland; I do not know that the others spoken of as being Canadians, were from Canada; Charles Bessier, Charles Cavazakie I do not know for certain are Italians, but I believe they are; I do not know it of my own knowledge; I do not know for certain that John Mellen is a German; I do not know it of my own knowledge; the Canadians all speak broken English; the Italians and Germans talk broken English.

(Signed.) DAVID DORRINGTON.

LYMAN MILLER being produced and sworn, deposeth and saith: I know J. B. A. Lagrasha, Francis Raynall, Peter Vien, John Hall, Charles Bessier, Eli Plant, Albert Provo, Charles Carvazakie, Morris Bruzet, Charles DeGray, Peter Hebert, F. Dupey, Jr., Philip Ryan, Bruno Commoyes, Louis Minard, Anthony Godfrey, James Kough, Joseph Darbor, Wm. King, Frederick Lampear, John Bowker, John Hall, Auguste Hall, Parrish Robideaux, Robert Whitecloud, J. W. Love, Leo Roy, William Whitecloud, all of whose names appear upon the Rulo poll book, and must have voted there on the 9th of October, 1860, in Richardson county; Lagrasha, Reynal, Vien, Plant, Provo, Bruzet, Herbert, Dupuy, Jr., Commoyes, Minard, Darbio, Lampear, Roy, are Canadians; they all talk broken English; John Hall, Auguste Hall are Germans, and talk broken English; Charles Bessier, Charles Carvazakie, I think are Italians; they talk broken English; Charles DeGray, F. Dupey, Jr., Parish Robideaux, R. D. Whitecloud, and Wm. Whitecloud are Half-breed Indians; Philip Ryan and James Kough are Irishmen; Anthony Godfrey is a Frenchman; Wm. King and John Bowker are Englishmen; J. W. Love, I think, is a Scotchman; Leo Roy, I think, is a Canadian and part Indian; Godfrey talks very broken English; I have known most of the persons named about two years.

(Signed.) LYMAN MILLER.

JAMES A. SPERRY being produced and sworn, deposeth and saith: I know James Rabbet, whose name appears upon the poll book of Muddy precinct, as having voted there at the election on the 9th of October, 1860; I do not think he lives in Muddy precinct; I had a conversation with him since election, and he told me he voted for Wm. C. Fleming for councilman. (Signed.) J. A. SPERRY.

Adjourned to 8 o'clock, A. M., Saturday the 24th of November, 1860, for the purpose of giving contestee further time to complete testimony. This day the contestant was present by his Attorney, Isham Reavis. Contestee present in person. A. J. DeShazo, Clerk.
Pr S. R. Jamison, Dept'y.
David Dorrington.

James F. Miller being produced and sworn, deposeth and saith: I know J. B. A. Lagrasha, Charles Martin, Francis Reynal, Eli Plant, Albert Provost, Morris Bruset, Peter Herbert, Francis Dupey, Sr., Francis Bercier, Louis Lamaroux, Charles Landry, Bruno Commoyes, Louis Minard, A. Godfrey, Barny Odien, Fred. Lampear, Paul Poleat, Louis Davon, whose names appear upon the Rulo poll book, as having voted there on the 9th of October, 1860; part of them are Canadians; all but Martin, Dupey, Sr., Poleat, Davon and Lamaroux, I think, are Canadians or Frenchmen; they all talk French; I am satisfied they are French; some of them talk broken English; some of them good English; I know Morris Joy, James Kough, J. W. Love, whose names are also upon the poll-book, as having voted at said election; Joy and Kough are Irishmen; J. W. Love is a Scotchman; I know John Hall; he is a Dutchman; Charles Bessier and Charles Carvazakie, whose names also appear upon the Rulo poll book are Italians; I know John Zeller, David Vetter, Benedict Haney, John Rucht, Martin Nisson; they are Dutchmen; John Meredith and Peter Strickland, whose names appear on the Rulo poll book, did not live in that precinct at the time of the election; David Vetter and Bruno Commoyes did not live in that precinct at the time of the election.

(Signed.) James F. Miller.

Wm. Witherow, being produced and sworn, deposeth and saith: I know John Tiegen, David Vetter, Benedict Haney, John Sucht, whose names appear upon the Rulo poll book as having voted there at an election held on the 9th of October, 1860; they are all Germans; John Sucht did not at that time live in that precinct; I know Henry Abrams, who voted at that place on that day; he lives at White Cloud, Kansas, now; at the time of the election he was living in White Cloud, Kansas; further saith not. (Signed.) Wm. Witherow.

Charles F. Walthers, being produced and sworn, deposeth and saith: I know Henry Goulett, Joseph Picott, Paul Picott, Th. Connelly, Louis Phillips; they voted at Arago, on the 9th of October, 1860; Henry Goulett voted for Fleming; I saw his ticket when he put it in at the window; I offered both the Picotts tickets and they showed me tickets with Fleming's name upon them, and went up and voted them; Timothy Connelly I saw vote a ticket with Fleming's name upon it for councilman; Louis Phillips showed me a ticket with Fleming's name upon it, and told me he was going to vote it; Connelly told me he was Irish.

(Signed.) Charles F. Walthers.

Stephen Story being produced and sworn, deposeth and saith; I know Henry Goulett, Paul Picott, Joseph Picott, Timothy Connelly, Louis Phillips, whose names are upon the Arago poll book as having voted at the election held at that place on the 9th of October. 1860; Joseph Picott, Paul Picott and Henry Goulett are Canadians; Timothy Connelly is an Irishman; Louis Phillips, I think, is an Englishman, but do not know positively.

Cross-examination.—They have told me they were Canadians.

(Signed.) S. Story.

Samuel S. Keifer being produced and affirmed, says: I am Sheriff of Richardson county; I am well acquainted in Salem precinct; J. H. Harris, John Jones, Reuben Borden, George Kauffman, A. Walmsley, S. Helling, Henry Hart, Louis L. Hays, Geo. L. Hays, J. A. N. Hays, J. M. Harris, John Fetter, Henry Honnon, James Harris, David Matten, Bernard Matten, John Kuhns, John B. Ely, F. Honnon, Samuel Craig, Jacob Hammond, Charles Veloick, August Shoemaker, John Randall, M. E. Quinlan, James Quinian, Cyrus Dunning, D. W. Pierce, Sr., J. S. Ewing and Joel Hopper, whose names appear upon the Salem poll book as having voted there on the 9th of October, 1860, and were at the time of the election non-residents of that precinct; no such persons lived in that precinct at that time; James Babbett, whose name appears upon the poll book of the Muddy precinct, as having voted there at the election held on the 9th of October, 1860, was not at that time a resident of said precinct; G. H. McFerson, A. M. Acton, Felix Kitch, J. F. Miller, Joseph Brazeau, John Billings, Thomas Farrell, David Thompson, Geo. W. Miller, Joseph Brady, whose names appear upon the Falls city poll book as having voted there at an election held on the 9th of October, 1860, were at that time non-residents of Falls city precinct, no such men residing in said precinct. (Signed.) Samuel S. Keiffer.

Adjourned till Monday, 26th Nov. 1860, at 8 o'clock A. M., at the request of contestee, for the purpose of giving contestee further time to produce his witnesses and complete his testimony. This day commenced taking testimony, at 10 o'clock A. M., in pursuance of adjournment heretofore made; this day contestant present by attorney. Contestee present in person. Isham Reavis, attorney for plaintiff.

A. J. DeShazo, Clerk,
Pr. S. R. Jamieson, Deputy,
David Dorrington.

Depositions of witnesses, produced, sworn and examined on the part of the contestee, on this 26th day of November, 1860, in pursuance of adjournment, made on the 24th day of November, 1860. This day both contestant and contestee present.

Tillman Lamb being sworn, deposeth and saith: I am acquainted some in Rulo precinct; Andrew W. Freele, John Freele, Jacob Reed, John Reed, Joseph Forney, Louis Lameroux, Nicholas Clark, Charles

Clark, Geo. Clark, Wm. Baldwin, Barnabas Odien, Alexander Hossac, Wm. Freele, Orin J. Freele, Wm. E. Kramer, whose names appear upon the Rulo poll book, as having voted there on the 9th of October, 1860, were at the time non-residents of Rulo precinct; Alexander Hossac, whose name appears upon the Rulo poll book as one of the judges of said election, has told me he was a Scotchman; he talks broken English; he was not, at the time of said election, a resident of Rulo precinct; Wm. Freele and Orin T. Freele, whose names appear upon the poll book as judge and clerk of the election, were not, at that time residents of that precinct, as I understand the lines to run; Louis Lameroux is a Frenchman, Barnabas Odien is a Frenchman, William Baldwin is an Englishman.

Cross-examination—I don't know that Odien was born in France; I do not know that he is a subject of the Emperor of France; I do not know that Lamaroux was born in France; the north line of Rulo precinct runs two miles north of the line of township number one; the west line of Rulo precinct runs between sections three and four, township number one, range seventeen; the west line of Rulo precinct runs south on a straight line to the Great Nemaha river, if I recollect right; Clark's boys have told me they lived in the north west quarter of section number nine; William Freele lived in Clark's house; Hossac lives upon the north west quarter of section four; Lamaroux has told me he was a Frenchman; Odien claims to be a Frenchman.

(Signed.) TILLMAN LAMB.

ELIAS T. MINSHALL, being produced and sworn deposeth and saith: Andrew W. Freele, John Freele, Louis Lameraux, Nicholas Clark, Alexander Hossac, William Freele, William E. Kramer, whose names appear upon the Rulo poll book as having voted on the 9th of October, 1860, were not at that time residents of Rulo precinct.

(Signed.) ELIAS T. MINSHALL.

Adjourned to Tuesday morning 27th November, 8 o'clock A. M., to give contestee further time to procure witnesses and complete testimony.

A. J. DE SHAZO, Clerk,
Per S. R. JAMIESON, Deputy,
DAVID DORRINGTON.

Depositions of witnesses produced, sworn and examined on the 27th of November, 1860.

JOSIAH KOOKER being produced and sworn in pursuance to adjournment heretofore made 11 o'clock A. M., deposeth and saith: I was in Muddy precinct, in Richardson county, on the 9th of October, 1860, at the election, J. W. Leveret, and William B. Slosson whose names appear upon the poll book of said precinct, as having voted there at said election, did not at the time of the election reside at that precinct, they were both electioneering for Fleming; Slosson said he would vote for Fleming every time, they were both taking a strong and active part for

Fleming, for councilman; I can not say positively how they voted, but have no doubt but that they voted for Fleming for councilman, as I heard both of them say they would do it,

(Signed.) JOSIAH KOOKER.

WILLIAM FREELE being produced and sworn deposeth and saith: I acted as one of the judges of election at Rulo, Rulo precinct, on the 9th of October, 1860, there was considerable difficulty at that place, at that time in challenging votes; I did not wish to receive any votes that were illegal, or that I thought so; I required proof of their right to vote; I understood that threats were made at different times during the day to draw me out of the window for challenging votes and requiring the necessary evidence of their right to vote, several Half-breed Indians voted during the day; Hossac took in several votes that I did not agree to, in which I was overruled, can't say how many, but I think some six or seven Half-breed Indians voted during the day; I heard before the polls were closed that I was to be drawn out of the window and whipped for not allowing all to vote who wished to; I voted there for E. S. Dundy for councilman; Thomas Freele voted for E. S. Dundy, Isham Reavis told me he voted for E. S. Dundy; it is my impression that Mr. Watts voted for E. S. Dundy for councilman, am not certain however.

his
(Signed.) WM. X FREELE.
mark.

E. W. HUTCHINSON being produced and sworn deposeth and saith: I know about where the Half-breed line is which divides the government land from the Half-breed Indian reservation, between the Great and Little Nemaha rivers; Rulo precinct, Arago precinct and St. Stephen precinct, claimed by some to be a part of Richardson county, are all upon the said Half-breed reservation; the places of voting are, Rulo, Arago and St. Stephen all of which are upon the said reservation.

(Signed.) EALL HUTCHINSON.

J. ED. BURBANK, being produced and sworn deposeth and saith: I know where the line is between the government land and Half-breed reservation, between the Great and Little Nemaha rivers. The Rulo, Arago and St. Stephen precincts are all upon the Half-breed reservation. No part of either of the said precincts are upon government land, the places of voting are Rulo, Arago and St. Stephen, those places are located upon the Missouri river and upon said reservation.

(Signed.) J. EDWARD BURBANK.

Adjourned to Wednesday morning, 28th November, at 7 o'clock, A. M., in order to give the contestee further time to procure witnesses and complete testimony. This day contestee only present.

A. J. DE SHAZO, Clerk.
Pr. S. R. JAMISON, Dep.
DAVID DORRINGTON.

Depositions of witnesses produced, sworn and examined on the part of the contestee at 10 o'clock A. M., on the 28th Nov., 1860.

David Thompson, being sworn deposeth and saith: Stephen Fuller whose name appears upon the St. Stephen poll book, as having voted there on the 9th of October, 1860, was not at that time a resident of that precinct; I have since seen and talked with him, and he told me that he voted at St. Stephen at that time and for W. C. Fleming for councilman. (Signed.) D. Thompson.

Territory of Nebraska, } ss.
County of Richardson, }

E. S. Cooly, being duly sworn, saith: That he was at Salem, in Salem precinct, in said county, on the 9th of October, 1860, whilst the election was being held, and then and there voted for E. S. Dundy for councilman of the district composed of the counties of Richardson and Pawnee. (Signed.) E. S. Cooly.

Sworn to and subscribed before me this 24th day of November, 1860.
(Signed.) David Dorrington, J. P.

Offered in evidence and filed the 26th day of October, 1860.

WM. C. FLEMING vs. E. S. DUNDY.

Before A. J. De Shazo, county clerk of Richardson county, John W. Brinegan and David Dorrington, Contest Board, &c.

It is hereby admitted by and between William C. Fleming, contestant, and E. S. Dundy, contestee above named, that William C. Fleming received one hundred and fifty-one votes for the office of councilman of Nebraska Territory, at the annual election held on the 9th day of October, 1860, at the three election precincts situate on what is known as the Half-breed Indian reservation in Richardson county, N. T., and that E. S. Dundy received sixty-eight votes at the precincts above named for the same office at the election aforesaid. That at the following precincts, situate outside of said reservation, E. S. Dundy received two hundred and twelve votes for the office aforesaid, to wit:

Muddy creek	precinct	Dundy	received	33	votes.
Salem	"	"	"	3	"
Franklin	"	"	"	23	"
Falls city	"	"	"	111	"
Spizer	"	"	"	42	"

Making in all two hundred and twelve votes; that William C. Fleming received two hundred and twenty-nine votes at the election precincts aforesaid for the office of Council, at the election held on the 9th of October, 1864, for the district composed of Richardson and Pawnee counties.

That in the county of Pawnee William C. Fleming received sixty-seven votes for the office aforesaid, and that E. S. Dundy received one

hundred and twelve votes for the same office at the election held as aforesaid. (Signed.) William C. Fleming,
Per Isham Reavis, his attorney.

Filed and received in evidence this 28th day of November, A. D. 1860. A. J. De Shazo, County Clerk.
Per S. R. Jamison, Deputy.

Falls City, Richardson County, N. T.

We hereby certify that the following is a correct abstract of the votes polled at the October election held on the 9th day of October, 1860, in Pawnee county, N. T., and the several precincts in Richardson county, as agreed on by the board of canvassers of Richardson county, N. T.

Pawnee county,	E. S. Dundy	rec.	112	votes,	W. C.	Fleming	rec.	67	votes.
Richardson county,	“	“							
Muddy precinct	“	“	33	“	“	“	“	21	“
Salem “	“	“	3	“	“	“	“	130	“
Franklin “	“	“	23	“	“	“	“	19	“
Falls city “	“	“	111	“	“	“	“	14	“
Spizer “	“	“	42	“	“	“	“	45	“
			—	“	“	“	“	——	“
			324	“	“	“	“	296	“

A. J. De Shazo, C. C. R. C.
M. D. Anderson, C. P. C.
Per David Butler, Deputy.

And the following is a correct number of votes cast in the several precincts in Richardson county, disagreed on by the board of canvassers in said county of Richardson:

Arago precinct,	E. S. Dundy	rec.	46	votes,	W. C. Fleming	rec.	19	votes.
Rulo “	“	“	5	“	“	“	105	“
St. Stephen “	“	“	17	“	“	“	27	“
			—				——	
			68				151	

A. J. De Shazo, C. C. R. C.
M. D. Anderson, C. P. C.
Per David Butler, Deputy.

Territory of Nebraska, }
County of Richardson, } ss.

I, A. J. De Shazo, county clerk of said county of Richardson, hereby certify that the foregoing is a correct copy of the abstract of votes polled in the counties of Richardson and Pawnee, on the 9th October, 1860, for councilman for said counties, as canvassed by the board of canvassers for said counties, on the day of October, 1860, as entered on the election book of Richardson county, and as the same appears of record in my office, and that the three last named precincts, viz: Rulo, Arago and St. Stephen, are upon and a part of the Half-breed reservation between the Nemaha rivers, and that the poll books were returned from and the election held on said reservation, and were not counted or canvassed by the board of canvassers of the said Council district.

[L. S.] Witness my hand and official seal at Falls city, N. T., the 26th day of Nov., 1860.

A. J. De Shazo, Clerk R. C.
Per S. R. Jamison, Deputy.

Filed and received in evidence this 28th day of Nov. A. D. 1860.

A. J. De Shazo, Co. Clerk.
Per S. R. Jamison, Deputy.

Adjourned to Wednesday morning, Nov. 29th, at 9 o'clock A. M., for the purpose of giving contestee further time to produce witnesses and complete his testimony; this day contestee only appeared; contestant did not appear.

A. J. De Shazo, Clerk,
Per S. R. Jamison, Dep.
David Dorrington.

Territory of Nebraska, }
County of Richardson. }

We, A. J. DeShazo, clerk of Richardson county, and David Dorrington, contest board, &c., of said county, hereby certify that the foregoing named witnesses were produced, sworn and examined at the times named in the foregoing depositions at the office of the said clerk in Falls city, N. T., and that they subscribed their names to the same respectively in our presence, and that the same was reduced to writing by one of the said board in pursuance of a notice hereto attached of the time and place of taking testimony; and that the foregoing testimony is all that has been taken before said board by the contestee up to this date.

[L. S.] In witness whereof the said clerk hath hereunto set his hand and official seal at Falls city, and David Dorrington his hand and private seal, as two of the said board, the 28th day of November, A. D. 1860.

A. J. DeShazo, County Clerk,
David Dorrington,
Member of Board.

The Committee on Public Buildings to which was referred

H. F. No. 16, "A bill for an act to authorize the sale of cast iron of the Territory of Nebraska,"

Having had the same under consideration, would recommend that all preceding the 1st section should be stricken out, and would further recommend that the 2d section be changed to the 3d section, and the following be inserted as the 2d section, to wit: "That the money arising from the sale of said cast iron be applied by said auditor to the school fund of this Territory," and with this amendment would recommend its passage.

T. M. Marquette,
T. W. Tipton,
S. A. Strickland.

The Committee on Education to which was referred

H. F. No. 6, "A bill for an act to abolish the office of Territorial School Commissioner,"

Have had the same under consideration and recommend the following amendments, to wit: in line 4, section 1, strike out the word "forthwith;" strikeout section 3; so amend section 6 as to read " this act to take effect and be in force from and after the expiration of the term of office of the present School Commissioner, and the election and qualification of the successor of the present Auditor of the Territory."

And.

C. B. No. 38, "Joint resolution and memorial relative to school lands,"

And recommend its passage.

T. W. Tipton,
J. Q. Goss,
J. A. Unthank.

The Committee on Incorporations to which was referred

C. B. No. 44, "An act to incorporate Table Rock seminary,"

Have had the same under consideration and recommend its passage without amendment.

E. S. Dundy,
John Taffe.

Mr, Tipton gave notice

Of a bill to incorporate the Brownville, Nemaha valley, Fort Kearney and Denver rail road company.

H. F. No. 45, "Memorial and joint resolution relative to certain mail routes."

Read first time.

On motion,

Rules suspended and bill read second time and referred to Committee on Finance, Ways, &c.

H. F. No. 46, "Memorial and joint resolution for a mail route from Nemaha city to Blue Springs in Gage county."

Read first time.

On motion,

Rules suspended and read second time and referred to Committee on Finance, Ways and Means.

H. F. No. 13, "An act concerning occupying claimants."

Read first time.

On motion,

Rules suspended, read second time and referred to Committee on Judiciary.

H. F. No. 61, "A bill for an act to vacate block No. 14 in the town of Ponca."

Read first time.

On motion,

Rules suspended and bill read second and third times by title.

Passed and title agreed to.

H. F. No. 52, "A bill for an act granting a bounty on sugar manufactured from sorghum or sugar cane."

Read first time.

On motion,

Rules suspended and read second time and referred to Committee on Agriculture.

Message from the House:

HOUSE OF REPRESENTATIVES,
Dec. 27, 1860.

Mr. President:

I am instructed to inform your honorable body that the House has passed,

H. F. No. 92, "An act to incorporate the United Presbyterian church of Rock Bluffs city."

H. F. No. 26, "A bill for an act to encourage the cultivation of fruit, forest and ornamental trees."

H. F. No. 17, "A bill for an act to locate a territorial road from St. James in Cedar county to Columbus in Platte county."

H. F. No. 89, "A bill for an act to restrain sheep and swine from running at large in the counties of Johnson and Clay."

And the concurrence of the Council is requested.

GEO. L. SEYBOLT, Chief Clerk.

The hour for the special order having arrived, the contested election case of Fleming vs. Dundy was taken up.

Mr. Tipton asked leave to present an affidavit of Mr. Dundy in the case.

Mr. Taylor moved that leave be granted.

Pending which,

Mr. Strickland moved that the Council take a recess until 3 o'clock.

Lost.

Mr. Strickland moved to adjourn until half past 4 o'clock.

Lost.

Mr. Little moved a call of the Council.

Absent—Mr. Elbert.

Mr. Goss moved to take a recess until 5 o'clock.

Lost.

Ayes and nays demanded upon the motion to admit Mr. Dundy's affidavit.

Ayes—Messrs. Belden, Bennett, Elbert, Goss, Little, Strickland, Taffe, Thayer, Tipton, Unthank and Mr. President.—11.

Nays—Mr. Marquette.—1.

Carried.

Mr. Strickland moved the adoption of the minority report of the Committee on Privileges and Elections.

Pending which,

On motion of Mr. Little,

The Council took a recess until half past 6 o'clock.

Evening Session—½ past 6 o'clock.

Council met.

President in the chair.

Motion to adopt the minority report taken up.

Pending which,

On motion of Mr. Strickland,

The Council adjourned. E. P. Brewster, Chief Clerk.

Council Chamber,
Friday, Dec. 28th, 1860.

Council met pursuant to adjournment.

President in the chair.

Journal read and approved.

The Committee on Expenditures, to which was referred

C. B. No. 28, "A bill for an act for the relief of Timothy Kelly,"

Beg leave to report that they have had the same under consideration and recommend that it do not pass. Sam'l H. Elbert,
J. A. Unthank.

Message from the House:

House of Representatives,
Dec. 27th, 1860.

Mr. President:

I am instructed to inform your honorable body that the House have passed

H. F. No. 28, "An act in relation to attachments, judgments and decrees, in the case of official bonds, to the Territory of Nebraska or any county thereof;"

Also,

H. F. No. 56, "An act to enable the register of deeds and county clerk to appoint the other his deputy;"

Also,

H. F. No. 63, "An act to locate and establish a territorial road from Dakota city to Fort Kearney."

And the concurrence of the Council is respectfully requested.

Geo. L. Seybolt, Chief Clerk.

The Committee on Judiciary, to which was referred

C. B. No. 43, "A bill for an act to fix the times of holding the district courts in the first judicial district,"

Beg leave to report the same back and recommend its passage.

John Taffe, Chairman.

H. F. No. 89, "A bill for an act to restrain sheep and swine from running at large in the counties of Johnson and Clay."

Read first time.

On motion,

Rules suspended, and bill read second time by title and referred to Committee on Agriculture.

H. F. No. 92, "An act to incorporate the United Presbyterian church of Rock Bluffs city."

Read first time.

On motion,

Rules suspended, and bill read second time by title, and referred to Committee on Incorporations.

H. F. No. 26, "A bill for an act to encourage the cultivation of fruit, forest and ornamental trees."

Read first time.

On motion,

Rules suspended and bill read second time by title, and referred to Committee on Agriculture.

H. F. No. 17, "A bill for an act to locate a territorial road from St. James in Cedar county to Columbus in Platte county."

Read first time.

On motion,

Rules suspended, and bill read second time by title, referred to Committee on Highways, Roads, &c.

H. F. No. 19, "A bill for an act to authorize J. S. Carr, his associates heirs and assigns, to keep a mill-dam across the south branch of Weeping Water in Cass county."

Read first time.

H. F. No. 24, "A joint resolution and memorial, praying Congress for an appropriation to defray the expenses of a Geological survey."

Read first time.

On motion,

Rules suspended, and read second time by title, and referred to Committee on Finance, Ways and Means.

H. F. No. 57, "A bill to amend the charter of Nebraska city."

Read first time.

On motion,

Rules suspended, and read second time by title, and referred to Committee on Incorporations.

H. F. No. 58, "An act to provide for copying the journals of the Council and House of Representatives of the seventh session of the Territorial Legislature of Nebraska."

Read first time.

H. F. No. 37, "An act to establish a ferry across the Platte and Elkhorn rivers in Sarpy county."

Read first time.

On motion,

Rules suspended, and read second time by title, and referred to special committee consisting of

Messrs. Strickland, Little and Taffe.

H. F. No. 66, "Joint resolution and memorial for an assay office in Nebraska."

Read first time.

On motion,

Rules suspended and read second time, and referred to a special committee consisting of

Messrs. Thayer, Marquette and Tipton.

H. F. No. 72, "An act to authorize the county commissioners of Washington county to build a bridge across the Elkhorn river at Fontenelle."

Read first time.

On motion,

Rules suspended, and read second time by title, and referred to Committee on Highways, Bridges, &c.

The Committee to which was referred that portion of the Governor's message, relating to the encouragement of the growth of timber in Nebraska, have had the same under consideration and beg leave to report the following bill:

C. B. No. 48, "A bill for an act to encourage the growth of timber in Nebraska,"

And recommend that it become a law.

Your committee have also had under consideration

H. F, No. 52, "A bill for an act granting a bounty on sugar manufactured from sorghum or sugar cane,"

And recommend its passage.

JOHN A. UNTHANK,
JOHN B. BENNETT,
E. S. DUNDY.

On leave,

Mr. Goss introduced

C. B. No. 47, "A bill for an act authorizing the commissioners of Sarpy county to issue county bonds for certain purposes."

Read first time.

On motion,

Rules suspended, and read second time by title and referred to a special committee, consisting of

Messrs. Goss, Bennett and Strickland.

H. F. No. 6, "A bill for an act to abolish the office of Commissioner of Common Schools,"

Together with the report of committee thereon,

Was taken up.

On motion,

Report adopted.

Mr. Goss moved that the bill be recommitted to the committee with instructions to amend by striking out "auditor" wherever it may appear in the bill and insert "treasurer."

Lost.

On motion,

Bill read third time.

Passed and title agreed to.

H. F. No. 16, "A bill to authorize the sale of the cast iron of the Territory of Nebraska,"

Together with the report of the committee thereon,

Was taken up.

On motion,

Report adopted and

Bill read third time.

Passed and title agreed to.

H. F. No. 34, "A memorial and joint resolution relative to the organization of the Territory of Jefferson."

Read third time.

On motion,

Passed and title agreed to.

C. B. No. 38, "Joint resolution and memorial relative to school lands in Nebraska."

Read third time.

Passed and title agreed to.

C. B. No. 40, "An act relative to divorce."

Read third time.

On motion,

Passed and title agreed to.

On motion of Mr. Strickland,

C. F. No. 44, "An act to incorporate Table Rock seminary,"

Was ordered engrossed for a third reading to-morrow.

On motion of Mr. Thayer,

C. B. No. 18, "A bill for an act to incorporate the Baptist church of Cuming city,"

Was read third time.

Passed and title agreed to.

Call of the Council demanded.

All present.

On motion,

All further proceedings under the call dispensed with.

The Committee on Engrossed and Enrolled Bills, report that they have presented, properly enrolled to the Governor, for his approval.

C. B. No. 21, "An act to repeal an act entitled, 'An act to prevent stock running at large in Sarpy county,'" approved January 13, 1860.

J. M. Thayer.

The Committee on Finance, Ways and Means, to which was referred

H. F. No. 45, "A memorial and joint resolution relative to certain mail routes," Report it back and recommend that it do pass.

SAM'L H. ELBERT,
E. S. DUNDY,
S. H. STRICKLAND.

Mr. Tipton moved, that the Engrossing and Enrolling Clerk be authorized to appoint an assistant.

Carried.

Message from the Council.

HOUSE OF REPRESENTATIVES,
Dec. 28th, 1860.

Mr. President:

I am instructed to inform your honorable body that the House have passed

H. F. No. 36, "A memorial and joint resolution asking Congress to establish a tri-weekly mail route from Plattsmouth in Cass co., N. T., to Fort Kearney in said Territory;"

Also,

H. F. No. 59, "A bill for an act to create the office of prosecuting attorney, and to abolish the office of district attorney,"

And the concurrence of the Council is respectfully requested.

GEO. L. SEYBOLT, Chief Clerk.

Message from the Governor:

EXECUTIVE CHAMBER,
Dec. 28th, 1860.

Mr. President:

I am directed by the Governor to inform your honorable body that he has signed and approved

"An act to repeal an act entitled, 'An act to prevent stock running at large in Sarpy county,'" approved January 13, 1860.

JOHN McCONIHE, Private Secretary.

On motion of Mr. Strickland

The Council took a recess until half-past two o'clock.

Afternoon Session—2½ o'clock P. M.

Council met.

President in the chair.

Mr. Strickland with consent of the seconder withdrew his motion for the adoption of the minority report of the Committee on Elections relative to the contest between Messrs. Fleming and Dundy.

Mr. Strickland moved the adoption of the majority report.

Ayes and nays demanded.

Ayes—Messrs. Elbert, Marquette, Taffe, Tipton, Unthank, and Mr. President.—6.

Nays—Messrs. Belden, Bennett, Goss, Little, Strickland and Thayer. —6.

Tie vote.
Lost.
Mr. Tipton moved the adoption of the minority report.
Ayes and nays demanded.

Ayes—Messrs. Belden, Bennett, Goss, Little, Strickland and Thayer. —6.
Nays—Messrs. Elbert, Marquette, Taffe, Tipton, Unthank and Mr. President.—6.

Tie vote.
Lost.
Mr. Strickland offered the following:

Resolved, That William C. Fleming the contestant from Richardson and Pawnee counties, is entitled to a seat in this body, and that E. S. Dundy is hereby excluded from a seat therein.

Pending which.
Mr. Strickland moved a call of the Council.

Absent—Messrs. Belden, Bennett, Goss, Tipton and Unthank.

Mr. Little moved to adjourn.
Lost.
Mr. Taylor moved the previous question.
Ayes and nays demanded.

Ayes—Messrs. Belden, Bennett, Little, Goss, Strickland, Thayer.—6.
Nays—Messrs. Elbert, Marquette, Taffe, Tipton, Unthank, Mr. President.—6.

President decided the resolution
Lost.
Mr. Little appealed from the decision of the chair.
Question now was, "Shall the decision of the President stand as the sense of the Council?"
Ayes and nays demanded.

Ayes—Messrs. Belden, Bennett, Goss, Marquette, Taffe, Thayer, Tipton, Unthank, Taylor.—9.
Nays—Messrs. Little and Strickland.—2.

Chair sustained.
On motion of Mr. Tipton,
The Council adjourned. E. P. Brewster, Chief Clerk.

COUNCIL CHAMBER,
Saturday, Dec. 29th, 1860.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

The Committee on Agriculture, to which was referred

H. F. No. 89, "A bill for an act to restrain sheep and swine from running at large in the counties of Johnson and Clay."

And,

H. F. No. 26, "A bill for an act to encourage the growth of fruit, forest and ornamental trees,"

Have had the same under consideration and report them back with the recommendation that they pass.

J. A. UNTHANK,
JOHN B. BENNETT,
E. S. DUNDY.

The Committee on Finance, Ways and Means, to which was referred

H. F. No. 24, "A memorial and joint resolution praying Congress for an appropriation to defray the expenses of a Geological survey,"

Have had the same under consideration and report it back and recommend its passage.

SAM'L H. ELBERT,
E. S. DUNDY.

Messrs. Dundy, Unthank and Taylor each asked leave to make a report during the day.

Granted.

Mr. Goss from Select Committee, made a report upon C. B. No. 47.

Laid over under the rules.

Mr. Taylor introduced

C. B. No. 49, "A bill for an act regulating the time of commencing actions for the recovery of any debts or damages, or of any personal property, or any penalty or forfeiture given by statute."

Read first time.

Mr. Tipton introduced

C. B. No. 50, "A bill for an act to apportion the members of the Council of Nebraska Territory."

Read first time.

Also,

C. B. No. 51, "A bill to incorporate the Brownville, Nemaha Valley, Fort Kearney and Denver city rail road company."

Read first time.

On motion,

Rules suspended and read second time, and referred to Committee on Incorporations.

Mr. Elbert gave notice of a bill to amend the charter of Plattsmouth,

H. F. No. 21, "An act in relation to attachments, judgments and decrees in the case of official bond to the Territory of Nebraska or any counties thereof."

Read first time.

H. F. No. 36, "Memorial and joint resolution, asking Congress to establish a tri-weekly mail route from Plattsmouth in Cass county to Fort Kearney."

Read first time.

On motion,

Rules suspended and memorial read second and third times by title.

Passed and title agreed to.

H. F. No. 56, "An act to enable the register of deeds and county clerk to appoint the other his deputy."

Read first time.

On motion,

Rules suspended and read second time by title, and referred to Committee on Counties.

H. F. No. 59, "A bill for an act to create the office of prosecuting attorney, and abolish the office of district attorney."

Read first time.

On motion,

Rules suspended and read second time by title, and referred to a select committee, consisting of Messrs. Thayer, Dundy and Taylor.

H. F. No. 63, "A bill for an act to locate and establish a territorial road from Dakota city to Fort Kearney."

Read first time.

On motion,

Rules suspended and bill read second time by title and referred to Committee on Counties.

Message from the House:

HOUSE OF REPRESENTATIVES,
December 29th, 1860.

Mr. President:

I am instructed to inform your honorable body that the House have concurred in the amendments of the Council to

H. F. No. 16, "A bill for an act to authorize the sale of the cast iron of the Territory of Nebraska."

I have also to inform you that the House refused to concur in the amendments of the Council to

H. F. No. 6, "A bill for an act to abolish the office of Territorial School Commissioner." GEO. L. SEYBOLT, Chief Clerk.

Upon the question will the Council insist upon their amendments to

H. F. No. 6, "A bill for an act to abolish the office of Territorial School Commissioner."

Ayes and nays demanded:

Ayes—Messrs. Belden, Bennett, Elbert, Goss, Little, Strickland, Taffe, Tipton and Unthank.—9.

Nays—Messrs. Dundy, Marquette, Thayer and Mr. President.—4.

Carried.

On motion,

Messrs. Tipton and Thayer were appointed a committee of conference on said amendments.

Mr. Dundy, chairman of the Committee on Corporations, reported a substitute for C. B. No. 46.

Laid over under the rules.

Mr. Unthank, chairman of the Committee on Highways, Bridges and Ferries, made a report on H. F. No. 17.

Laid over under the rules.

Mr. Strickland, chairman of special committee, made a report upon H. F. No. 37.

Laid over under the rules.

H. F. No. 19. "A bill for an act to authorize J. S. Carr, his associates heirs and assigns, to keep a mill-dam across the south branch of Weeping Water, in Cass county."

Read second time.

On motion,

Referred to Committee on Highways, Bridges and Ferries.

On motion of Mr. Dundy,

C. B. No. 48, "A bill for an act to encourage the growth of timber in Nebraska."

Was laid upon the table.

The Committee on Accounts and Expenditures, to which was referred

C. B. No. 28, "A bill for an act for the relief of Timothy Kelly,"

Report that they have had the same under consideration, and recommend that it do not pass.

SAMUEL H. ELBERT,
J. A. UNTHANK.

Report adopted.

On motion of Mr. Marquette,

C. B. No. 43, "A bill for an act fixing the times of holding the terms of the district court in the first judicial district,"

Was recommitted to the Committee on Judiciary.

The committee to which was referred

H. F. No. 45, "Memorial and joint resolution relative to certain mail routes,"

Have had the same under consideration, and report it back and recommend its passage.

S. H. ELBERT,
E. S. DUNDY,
SILAS A. STRICKLAND.

Report adopted.

On motion,

Bill read third time, passed and title agreed to.

The Committee on Agriculture to which was referred

H. F. No. 52, "A bill for an act granting a bounty on sugar manufactured from sorghum or sugar cane," Have had the same under consideration, and beg leave to report the same back and recommend its passage.

John A. Unthank,
John B. Bennett,
E. S. Dundy.

Report adopted.

Bill read third time.

Ayes and nays demanded upon its passage.

Ayes—Messrs. Belden, Bennett, Dundy, Elbert, Taffe, Thayer, Unthank and Mr. President.—8.

Nays—Messrs. Goss, Little, Marquette, Strickland and Tipton.—5.

Bill passed.

On motion,

Title agreed to.

The Committee on Engrossed and Enrolled Bills reported H. F. No. 24, as correctly engrossed.

Mr. Thayer gave notice of a bill to dissolve the bonds of matrimony between Jennie Higgins and James A. Higgins.

The Select Committee to which was referred the special message from the Governor, dated 26th of December, 1860, calling the attention of this body to the fact that only seventeen working days of the session remained, and up to that date he had received no bills for his official signature, have had the same under consideration, and beg leave to report:

1st. That from a careful and thorough examination of a standard allowance, his point in regard to time seems to be well taken; and second, that the journal of the Council appears to sustain the second count in the indictment. We are happy to learn from his Excellency that "I make this suggestion in no spirit of complaint, for we are certain he has no cause of complaint; and had he complained we would have handed his complaint over to a people who have been cursed with too hasty, ill advised and inconsiderate legislation. But when he says as a reason for prompting us to action, "Not on my account alone, but for the sake of the people, I request that you will endeavor to hasten the public business," we desire to remind his Excellency that the same people, whose will has been stricken down by his veto at a previous session, have sent us here to own allegiance to no earthly power but themselves, and our oaths of office; and further that we represent thousands of freemen, and hold our commission from them, while he holds his from the President of the United States.

The people are very well aware that no legislature, a large majority of whom hold for the first time, can in the short space of twenty days bring legislative order out of chaos, and establish a judicious revenue system, construct an election law that shall guard the ballot box, equalize the fees of all public officers, abolish useless offices, reduce the burdens of taxation by tens of thousands of dollars, and place a future state on the broad and glorious platform of constitutional liberty. But if it is a fact, that we have been by day and night in this chamber and committee rooms, laboring in this behalf for twenty-three days, may we not when successful, return to our constituents in conscious pride and triumph.

In taking leave of this peculiar message, we concur in the propriety of the following language of his Excellency: "Nor do I assume any right to influence in any way your movements or deliberations." From this avowal on his part, your committee recommend that the Council continue to transact legislative business in its own way, determining its own "movements" and controlling its own deliberations.

T. W. Tipton,
T. M. Marquette,

Laid over under the rule.

Mr. Taffe, from the Judiciary Committee, made a report upon C. F. Nos. 1, 2 and 3.

Also upon,

C. B. No. 31, "A memorial for divorce of John Jeffers."

Laid over under the rule.

On motion of Mr. Taylor,

C. B. No. 7, "A bill for an act respecting elections."

Was made the special order of the day at 2½ o'clock.

Mr. Strickland moved to adjourn.

Ayes and nays demanded.

Ayes—Messrs. Dundy, Goss, Little and Strickland.—4.

Nays—Messrs. Belden, Bennett, Elbert, Marquette, Taffe, Thayer, Tipton, Unthank and Mr. President.—9.

Lost.

On motion,

Council took a recess until ½ past 2 o'clock.

Afternoon Session.—2½ o'clock P. M.

Council met.

President in the chair.

Message from the House:

House of Representatives,
Dec. 29th, 1860.

Mr. President:

I am instructed to inform your honorable body that the House have passed

H. F. No. 1, "A bill for an act to regulate and establish the rate of interest on money and on contracts;"

Also,

H. F. No. 81, "A bill relating to jury trials in the district court,"

And your concurrence therein is respectfully requested.

Geo. L. Seybolt, Chief Clerk.

On motion,

Council resolved itself into Committee of the Whole on

C. B. No. 7, "A bill for an act respecting elections."

Mr. Marquette in the chair.

After remaining sometime therein, the committee arose and reported the bill back with a number of amendments, and recommending its passage as amended.

On motion,

Bill ordered engrossed for a third reading.

On motion,

The Council adjourned. E. P. Brewster, Chief Clerk.

Council Chamber,
Monday, Dec. 31st, 1860.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

The Committee on Finance, Ways and Means, to which was referred

H. F. No. 2, "A bill for an act regulating fees and salaries of certain officers,"

Have had the same under consideration, and beg leave to report it back without recommendation.

Sam'l H. Elbert,
E. S. Dundy.

The Committee on Highways, Bridges and Ferries, to which was referred

H. F. No. 19, "A bill for an act to authorize J. S. Carr, his associates, heirs or assigns, to keep a mill-dam across the south branch of Weeping Water, in Cass county, N. T."

And,

H. F. No. 72, "An act to authorize the commissioners of Washington county, to build a bridge across the Elkhorn river at Fontenelle,"

Have had the same under consideration and report them back and recommend their passage. J. A. Unthank, Chairman.

Laid over under the rule.

The committee to which was referred

H. F. No. 37,

Report that they have had the same under consideration, and recommend its passage without amendment.

S. A. Strickland,
John Taffe.

Report adopted.

H. F. No. 37, "An act to establish a ferry across the Platte and Elkhorn rivers in Sarpy county."

Read third time.

Passed and title agreed to.

Mr. Thayer introduced

C. B. No. 52, "A bill to dissolve the bonds of matrimony between Jennie Higgins and James A. Higgins."

Read first time.

On motion,

Rules suspended, and read second time by title; referred to Committee on Judiciary.

Call of the Council demanded.

Absent—Messrs. Belden, Goss and Taffe.

On motion,

All further proceedings under the call dispensed with.

The Committee on Incorporations, to which was referred

C. B. No. 46, "An act to incorporate the Loup Fork bridge company,"

Have had the same under considerstion and report a substitute for the same.

E. S. Dundy,
John Taffe.

Report adopted.

Message from the House:

House of Representatives,
Dec. 31st, 1860.

Mr. President:

I am instructed to inform your honorable body that the House have passed

H. F. No. 69, "A bill to provide for the publication of certain laws in county newspapers,"

And,

H. F. No. 88, "A bill for an act to legalize the organization of Cuming county."

And,

H. F. No. 100, "A bill for an act for the location of a territorial road in Cass county."

H. F. No. 105, "An act to locate and establish a territorial road from the mouth of the Platte river in Cass county, to Fort Kearney in Nebraska."

And the concurrence of the Council therein is respectfully requested.

I also herewith return to the Council

C. B. No. 36, "A memorial and joint resolution relative to school lands in the fractional townships in Nebraska."

Also,

C. B. No. 32, "A memorial and joint resolution for an appropriation by Congress for a hospital at Fort Kearney."

The same having passed the House without amendment.

I am also instructed to inform your honorable body that Messrs. Clark, Lockwood and Mathias have been appointed a committee of conference on the part of the House to confer with the committee on the part of the Council in relation to disagreement in relation to

H. F. No. 6, "A bill to abolish the office of Territorial School Commissioner."
GEO. L. SEYBOLT, Chief Clerk.

The Committee on Highways, Bridges and Ferries, to which was referred

H. F. No. 17, "A bill for an act to locate a territorial road from St. James in Cedar county, to Columbus in Platte county,"

Have the same under consideration, and report it back to the Council, and recommend its passage.
J. A. UNTHANK,
JNO. B. BENNETT,
T. W. TIPTON.

The Committee on Agriculture, to which was referred

H. F. No. 89, "A bill for an act to restrain sheep and swine from running at large in the counties of Johnson and Clay,"

And,

H. F. No. 26, "A bill for an act to encourage the cultivation of fruit, forest and ornamental trees,"

Have had the same under consideration, and report them back and recommend their passage.
J. A. UNTHANK,
JNO. B. BENNETT,
E. S. DUNDY.

Report adopted.

The Committee on Finance, Ways and Means, to which was referred

H. F. No. 46, "A memorial and joint resolution relative to a mail route from Nemaha city to Blue Springs, in Gage county,"

Have had the same under consideration and recommend its passage. We have also had under consideration

H. F. No. 24, "Memorial and joint resolution praying Congress for an appropriation to defray the expenses of a Geological survey,"

And recommend its passage without amendment.
SAMUEL H. ELBERT,
E. S. DUNDY.

Report adopted.

The select committee to which was referred

C. B. No. 47, "A bill for an act authorizing the commissioners of Sarpy county to issue county bonds for certain purposes,"

Have had the same under consideration, and report it back and recommend its passage.
JNO. Q. GOSS,
JNO. B. BENNETT,
S. A. STRICKLAND.

The Committee on Judiciary, to which was referred

C. B. Nos. 1, 2 and 3, entitled respectively, "An act to dissolve the bonds of matrimony between James H. Preston and Esther Preston."

"An act to dissolve the bonds of matrimony between Noyes B. Petteplace and Harriet Phetteplace."

And

"An act to dissolve the bonds of matrimony between William B. A. Carter and Elizabeth Carter."

Also,

C. B. No. 31, "A memorial for divorce of John Jeffers,"

Have had the same under consideration and being aware of nothing to prevent said parties from obtaining complete relief in the courts, beg leave to report the same back to the Council and recommend that their further consideration be indefinitely postponed.

JOHN TAFFE,
T. M. MARQUETTE,
D. D. BELDEN.

On motion,

Report adopted.

C. B. No. 50, "A bill for an act to apportion the members of the Council of Nebraska Territory."

Read second time.

On motion,

Referred to a select committee of three, consisting of

Messrs. Strickland, Tipton and Elbert.

On leave,

The Committee on Incorporations, to which was referred

C. B. No. 39, "A bill for an act to incorporate Omaha Lodge No. 2, I. O. O. F.;"

Also,

"A bill for an act to vacate a part of the town of Fremont, in Dodge county;"

Also,

"An act to establish a ferry across the Missouri river in Burt county;"

Have had the same under consideration and report them back and recommend their passage.

E. S. DUNDY,
JOHN TAFFE.

Laid over under the rules.

C. B. No. 49, "A bill for an act regulating the time of commencing actions for the recovery of any debts, damages, or of any personal property, or of any penalty or forfeiture given by statute."

Read second time.

On motion,

Referred to a select committee, consisting of

Messrs. Strickland, Thayer and Marquette.

Mr. Tipton introduced

C. B. No. 53, "An act for the regulation and continuance of a system of education by common schools."

Read first time.

H. F. No. 28, "An act in relation to attachments, judgments and decrees in the case of official bonds to the Territory of Nebraska or any county thereof."

Read second time.

On motion,

Referred to the Committee on Judiciary.

The select committee to which was referred

H. F. No. 66, "A joint resolution and memorial for an assay office in Nebraska Territory,"

Have had the same under consideration and report it back with the recommendation that it pass. JOHN M. THAYER, Chairman.

C. B. No. 47, "An act to incorporate the Loup Fork bridge company."

Read third time.

On motion,

Passed and title agreed to.

H. F. No. 17, "A bill for an act to locate a territorial road from St. James in Cedar county to Columbus in Platte county."

Read third time.

Passed and title agreed to.

C. B. No. 46, "An act to incorporate the Loup Fork bridge company."

Read third time.

Mr. Little moved to recommit the bill to the committee with instructions to amend the bill so as to require the incorporators to give bonds for the building of a bridge.

Ayes and nays demanded.

Ayes—Messrs. Belden, Bennett, Little, Thayer and Mr. President.—5.

Nays—Messrs. Dundy, Elbert, Goss, Marquette, Strickland, Taffe, Tipton and Unthank.—8.

Lost.

Ayes and nays demanded upon the passage of the bill.

Ayes—Messrs. Dundy, Elbert, Goss, Marquette, Strickland, Taffe, Tipton.—7.

Nays—Messrs. Bennett, Little, Thayer and Unthank.—4.

Bill passed.

On motion,

Title agreed to.

H. F. No. 24, "A memorial praying Congress for an appropriation to defray the expenses of a Geological survey."

Read third time.

Passed and title agreed to.

H. F. No. 46, "A memorial and joint resolution relative to a mail route from Nemaha city to Blue Springs in Gage county."

Read third time.

Passed and title agreed to.

H. F. No. 81, "A bill relating to jury trials in the district court."

Read first time.

On motion,

Rules suspended and bill read second time by title and referred to Committee on Judiciary.

H. F. No. 1, "A bill for an act to regulate and establish the rate of interest on moneys and on contracts."

Read first time.

On motion of Mr. Little,

The Council went into Committee of the Whole on

H. F. No. 2, "An act relative to the fees of certain officers."

Mr. Little in the chair.

After remaining sometime therein the committee arose and reported progress and asked leave to sit again.

Granted.

Mr. Strickland moved to adjourn.

Ayes and nays demanded.

Ayes—Messrs. Belden, Strickland, Taffe.—3.

Nays—Messrs. Bennett, Dundy, Elbert, Goss, Little, Marquette, Thayer, Tipton, Unthank and Mr. President.—10.

Lost.

On leave, Mr. Belden introduced

C. B. No. 54, "An act to an act to authorize James H. McCardle to erect and keep a mill dam across the Great Pappillon creek in Douglas county."

Read first time.

Mr. Little moved to take a recess until ½ past 2 o'clock P. M.

Ayes and nays demanded.

Ayes—Messrs. Bennett, Dundy, Goss, Little, Marquette, Strickland, Thayer and Unthank —8.

Nays—Messrs. Belden, Elbert, Taffe and Tipton.—4.

Carried.

Afternoon Session.—2½ o'clock P. M.

Council met.

President in the chair.

Mr. Goss moved, that inasmuch as it appears that the evidence and other papers, in the contest case from Richardson county, have been taken from the clerk's desk and not returned: Therefore, that a committee of three be appointed to investigate and ascertain when such evidence and papers was taken, and with power to send for persons and papers, if necessary, and report accordingly.

Carried.

Messrs. Unthank, Taffe and Goss were appointed committee.

Mr. Marquette on leave
Made a report on C. B. No. 45.
Laid over under the rule.
Message from the House:

HOUSE OF REPRESENTATIVES,
Dec. 31st, 1860.

Mr. President:

I am instructed to inform your honorable body that the House have passed

H. F. No. 108, "A bill for an act to locate a road from Rockport in Washington county to Elkhorn in Douglas county,"

Also,

H. F. No. 115, "Joint resolution in favor of Frederick Renner,"

And the concurrence of the Council therein is respectfully requested.

GEO. L. SEYBOLT, Chief Clerk.

On motion of Mr. Bennett,

The Council went into Committee of the Whole, on

H. F. No. 2, "An act to regulate the fees and salaries of certain officers."

Mr. Little in the chair.

After remaining sometime therein the committee arose and reported the bill back with the following amendments, and recommended its passage as amended:

In section 2, 1st line strike out "six hundred," and insert "one thousand," and after "by law" in 4th line of said section, insert "otherwise he shall receive no compensation whatever as auditor."

In section 3, strike out the word "five" in the 2d line and insert "seven", and after the word "dollars" in 2d line insert "in quarterly installments,"

In section 6, 2d line, after "for" strike out "entering" and insert "recording" and in 3d line strike out "entering" and insert "recording."

In section 14, in 26th line, strike out "two" and insert "one."

In section 18, in 5th line strike out "three" and insert "five."

In section 20, in 2d line strike out "three" and insert "two."

In section 22, strike out all after the words "county treasury."

In section 26, strike out all after "services" in 2d line.

In section 27, in 2d line, strike out "six" and insert "three."

In section 30, strike out the word "condemned" in the 2d line and insert the word "convicted."

Strike out section 31 and insert the following:

"Sec. 31. The clerks of the several district courts and justices of the peace, and all other officers may require the plaintiff to pay the costs in advance of the rendition of any service, or may require the plaintiff to give bonds for costs in all cases."

In section 32, 7th line, strike out "indictment" and insert "civil action before any justice of the peace."

In section 37 strike out all after the word "day" in the 3d line.

In section 43 strike out "1st day of February, A. D. 1861" and insert "4th day of March, A. D. 1861."

Mr. Dundy in the chair.

Mr. Taylor offered the following amendment to the bill:

In section 2, 3d line, strike out "1000" and insert "500 dollars."

Carried.

Call of the Council demanded.

Absent—Mr. Thayer.

On motion,

All further proceedings under the call dispensed with.

Mr. Little moved to reconsider the vote by which "1000" was stricken out and "500" inserted.

Ayes and nays demanded:

Ayes—Messrs. Belden, Elbert, Goss, Little, Marquette, Strickland, Taffe and Thayer.—8.

Nays—Messrs. Bennett, Dundy, Tipton, Unthank and Mr. Presiden.—5.

Carried.

Mr. Little moved to strike out "1000" and insert "700."

Ayes and nays demanded:

Ayes—Messrs. Belden, Elbert, Goss, Little, Marquette, Strickland, Taffe and Thayer.—8.

Nays—Messrs. Bennett, Dundy, Tipton, Unthank and Mr. President.—5.

Carried.

Report as amended was

Adopted.

On motion,

Bill read third time.

Passed and title agreed to.

Mr. Thayer, from Committee on Engrossed and Enrolled Bills, reported

C. F. No. 7, "An act respecting elections,"

As correctly engrossed.

On motion,

The bill was read third time.

Passed and title agreed to.

The committee of conference on the part of the Council and House of Representatives respecting the disagreeing of the two Houses on the amendment adopted by the Council to

H. F. No. 6, "A bill for an act to abolish the office of Territorial School Commissioner," Respectfully recommend that the Council recede from their amendment.

J. M. THAYER,
A. MATHIAS,
WM. F. LOCKWOOD.
M. H. CLARK.

Mr. Little moved that the Council adjourn until day after to-morrow at 10 o'clock.

Ayes and nays demanded:

Ayes—Messrs. Dundy, Elbert, Little, Strickland and Tipton.—5.

Nays—Messrs. Belden, Goss, Marquette, Taffe, Thayer, Unthank and Mr. President.—7.

Lost.

Mr. Little moved to reconsider the vote by which the Council refused to adjourn until day after to-morrow.

Carried.

On motion,

Report of the committee on conference was taken up.

Mr. Taylor moved its adoption.

Ayes and nays demanded:

Ayes—Messrs. Bennett, Dundy, Thayer, Taffe and Mr. President.—5.

Nays—Messrs. Belden, Elbert, Goss, Little, Marquette, Strickland, Tipton and Unthank.—8.

Lost.

Mr. Little moved to adjourn until day after to-morow at 10 o'clock A. M.

Ayes and nays demanded:

Ayes—Messrs. Belden, Bennett, Dundy, Elbert, Little, Marquette, Strickland, Taffe, Thayer, Tipton and Unthank.—11.

Nays—Messrs. Goss and Mr. President.—2.

Carried. E. P. BREWSTER, Chief Clerk.

COUNCIL CHAMBER,
Wednesday, Jan. 2d, 1861.

Council met pursuant to adjournment.

Prayer by the Chaplain.

Journal read and approved.

The following message was received from the House with the accompanying veto message of the Governor, on

"An act entitled an act to prohibit slavery."

House of Representatives,
Omaha, January 2d, 1861.

Mr. President:

I am instructed to inform your honorable body that the House have passed

H. F. No. 25, " A bill for an act authoizing suits upon written instruments to be brought in the name by which the same was executed,"

H. F. No. 9, " A bill for an act to incorporate a seminary to be located in Elkhorn city, Douglas county, Nebraska territory,"

H. F. No. 79, " Memorial and joint resolution relative to a tri-weekly mail service between Columbus and Fort Kearney,"

H. F. No. 74, " A memorial relative to a tri-weekly mail route from Dakota city to Fort Randall,"

H. F. No. 57, " An act to legalize the business of the Territorial Auditor and Treasurer,"

H. F. No. 93, " An act to locate a territorial road from Nebraska city to Brownville,"

H. F. No. 106, " A bill for an act to re-survey a part of the territorial road from Nebraska city in Otoe county to Tecumseh, in Johnson county, N. T."

Also,

H. F. No. 107, " A bill for an act to locate a territorial road from Nebraska city to New Fort Kearney, N. T."

H. F. No. 104, " A bill for an act to exempt a homestead and a certain amount of personal property from forced sale in certain cases,"

H. F. No. 116, " An act to locate a territorial road from Elkhorn city to Fontenelle,"

And respectfully ask your concurrence therein.

I also return you herewith

C. B. No. 42, " An act relative to appeals,"

The same having passed the House without amendment.

I am further instructed to announce to you the accompanying message from the Executive, vetoing

" A bill for an act to prohibit slavery,"

And that the House have passed said bill, by a two-thirds vote, the Governor's veto to the contrary notwithstanding.

Geo. L. Seybolt, Chief Clerk.

Executive Chamber,
Omaha, Jan. 1st, 1861.

To the Council:

Mr. President:

I am requested by the Governor to return to your honorable body "An act to prohibit slavery," unsigned, and to announce the following Message embodying his objections thereto. John McConihe.
Private Secretary.

To the Council:

You have assumed the power and asserted the policy of an unqualified and immediate interdiction of slavery within this Territory.

I dissent both as to the power assumed and the policy of the prohibition.

My objections to your power to prohibit slavery or to abolish it, which were submitted a year ago, are strengthened, in my own mind, by reflection and remain unchanged.

The Federal government is a government of states, and not of individuals, or of men in mass. It possesses no original power, nor any power but that which was conferred by the states, whose creative hand gave it being. After the Declaration of Independence, and up to the adoption of the Constitution, each one of the United States was a sovereign state and independent of every other state, principality or power. The people asserted and maintained all their political and personal rights through their respective states, and in the convention which framed the Federal Constitution, they assembled as states. When the work was done, and the fathers of the republic were able to say, "it is finished," they declared, in the last article, that the ratification of the convention of nine states shall be sufficient for the establishment of this Constitution between the states so ratifying the same. And then, as if to "make assurance doubly sure," they proceed to declare that what they have done is done in convention by the unanimous consent of the *states* present. Whatever power is given to the General government in the Constitution, it derives from the states of the Confederacy, and whatever power is not surrendered by the states as sovereign or supreme, they have reserved to themselves respectively, or to the people of each one; for the people of each one are the first and only source of power. By the compact of the Constitution, the states enter the Union on terms of absolute and acknowledged equality, an equality which applies itself to every new state with the same perfect fullness enjoyed by each one of the old states.

When the government of the Confederation was formed in 1781 it acquired no territory and had the control of none. Whatever was owned belonged to individual states, Virginia being the largest proprietor. By her voluntary cession in 1784, the northwest territory was transferred to the states of the Confederacy. It thus became their common property, the ultimate object however being the admission of new and equal states into the Confederacy. In 1803, and through the present Federal government, Louisiana was acquired from France; it was purchased with the common fund of all the states, and was acquired for their joint and equal benefit. In making the acquisition the General government acted as the representative, and trustees of the people of the United States; and it acquired this foreign territory for the purpose of its admission into the Union, on an equality with existing states. Until that admission takes place every part of the territory is open to the people of all the states, on the same terms. It is theirs for purposes of permanent or temporary settlement, or for mere purposes of transit, and the citizens of each state have the same right to enjoy the common territory, with the citizens of every other state. The citizen of Iowa or Illinois may lawfully come here with all his property, which may be convenient or profitable for him to bring, and if a citizen of Missouri or Texas may not do the same thing, the territory is not open to all alike, and all are not equals. But this right of occupying and enjoying the common territories, the Supreme Court of the United States have settled in the most positive and unqualified terms. In the case of Dred Scott vs. Sandford, 19 Howard, 452, we find this judgment and opinion of the court. "Upon these considerations, it is the opinion of the court that the act of Congress which prohibited a citizen from holding and owning property of this kind in the territory of the United States, north of the line therein mentioned, it is not warranted by the Constitution, and is therefore void; and that neither Dred Scott himself, nor any of his family, *were made free by being carried into this territory; even if they had been carried there by the owner, with the intention of becoming a permanent resident.*" The property spoken of is slave property, and the territory therein referred to was Minnesota, which like Nebraska was a part of the Louisiana purchase. So that if Nebraska had been the territory in question, instead of Minnesota, the language of the court would have been precisely the same. The usual mode of escape from this decision is that certain principles and propositions laid down by the venerable Chief Justice of the United States, are only his own *dicta*, and that but one question was before the court. But the court decided differently, and I suppose when the Supreme Court of the United States says that questions are before it and will be determined, they know exactly what they are doing and what they ought to do. It looks very much as if the question was before the court, when two of the nine judges delivered long and learned opinions of dissent on the very questions discussed and decided by the majority of the court. Mark the language of the court, for it is no "*obiter dictum*" of one judge alone, however great his authority may be, but it is the judgment of the court in regard to the party on the record, and his rights. "*Neither Dred Scott nor any of his family were made free by being carried into this territory; even if they had been carried there by the owner, with the intention of becoming a permanent resident.*" When the territory, of which Nebraska forms a part, was acquired, African slavery was lawful and slaves were property. By the treaty which gave to the United States the title owned by France, it is solemnly stipulated that "the inhabitants of the ceded territory shall be incorporated in the Union of the United States, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States; *and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property and the religion which they profess.*" Whatever their property may be it is secured to them; whatever the religion may be which they profess—no matter what is the substance of their faith, or the form of their worship—they are to be protected in its full and free enjoyment, and the personal liberty of "the inhabitants" is to be maintained and made sure.

Under this treaty there is a sacred and continuing obligation that this territory as a part of Louisiana, shall be admitted into the Union as soon as possible, upon an equal footing with the other states, "*and till such admission,*" in the language of Chief Justice Marshall, "the inhabitants of the ceded territory shall be protected in the free enjoyment of their *liberty, property and religion.*"

A treaty under the Constitution is a part of "the supreme law of the land," and I do not think that a territorial legislature can overturn it. But it is said that slavery is the creature of mere local law and cannot exist, except where a local law establishes it. If by this is meant a local statute law enacted by some legislative body of adequate jurisdiction, it is incorrect. Slavery existed at one time in every one of the Americancolonies. At the adoption of the Constitution a slave was lawful property in twelve of the thirteen colonies, and was so recognized by *all* the states, when the fundamental law of the land was established; and the Supreme Court have declared, what everybody knows to be true, that "*the right of property in a slave is distinctly and expressly affirmed in the Constitution.*" It makes no man a slave, but it recognizes the relation between master and slave as a lawful relation, and that relation must continue to exist until it is dissolved by some sufficient law.

If the owner of a slave carries his property to the border of a sovereign state, wherein slavery is forbidden, his right of property remains, but if he crosses the line, he becomes subject, in person and property, to whatever constitutional law the law has seen fit to establish. If he loses his property, it is because the local law takes it away. Slavery existed in Missouri during the entire period of her territorial existence, and there never was a statute law, either to establish or protect it. The citizens of the different states settled there with slaves, and without slaves, as they saw fit, and their rights of property were never called into question. Have they who met in convention at Chicago spoken the truth when they declare "*that the normal condition of all the territories is that of freedom, and we deny the authority of Congress, or of a territorial legislature, or of any individuals, to give legal existence to slavery in any territory of the United States.*" Normal means "*regular according to an established law.*" What law? If any such law exists it seems to have been unknown when Missouri and Arkansas were territories. And the "early fathers," now so much quoted and relied on by the anti-slavery dogmatists of the day, were evidently ignorant of its existence. When Washington was President and Thomas Jefferson was Secretary of State, the first fugitive slave law was passed. This was in 1793, and less than four years after the adoption of the Federal Constitution. The constitutionality of this law has been affirmed over and over by the Supreme Court of the United States, and no where more strongly than in the opinion of the court, delivered by Judge Story in the well known case of Prigg vs. the Commonwealth of Pennsylvania. Does that law which Washington approved and Jefferson endorsed, intimate anything of this newly discovered "normal condition?" Quite the reverse. I quote the whole of the first section, so that its plain meaning may not perverted or misunderstood:

"When a person held to labor in any of the United States, *or in either of the territories* on the north-west or south of the river Ohio, under the laws thereof, shall escape into any other of the said states or territories, the person to whom such labor or service may be due, his agent or attorney, is hereby empowered to seize or arrest such fugitive from labor, and to take him or her before any judge of the circuit or district courts of the United States, residing or being within the state, or before any magistrate of a county, city or town corporate, wherein such seizure or arrest shall be made, and upon proof to the satisfaction of such judge or magistrate, either by oral testimony or affidavit, taken before and certified by a magistrate of any such state or territory, that the person so seized or arrested, doth, *under the laws of the state or territory from which he or she fled,* owe service or labor to the person claiming him or her, it shall be the duty of such judge or magistrate to give a certificate thereof to such claimant, his agent or attorney, which shall be sufficient warrant *for removing the said fugitive from labor to the state or territory from which he or she fled.*"

Here the right of slave property in the territories is recognized and provided for, precisely the same as in the states. At the time this act, was passed, the north-western territory was in existence north of the river Ohio, and the only territory south was Tennessee, which had been ceded by North Carolina in 1790.

I do not stop to discuss now, for it is not relative to the point, what "the fathers" thought of the legal effect of the ordinance of 1787, on the north-western territory, but only remark that the act of Congress shows that the opinion was *not* then that "the normal condition" of the territories was that of freedom. The people of Tennessee held their slaves for six years without any statute law inside the territory, or applied to it, which made them property. They were property without it, and the right of property remained to those who were in the territory, when the deed of cession was signed, and it extended to every citizen of every state, who thought proper to settle there, under the broad protection of the Constitution and the laws.

The recognition in the act of 1793 is also expressed in the Fugitive Slave Law of 1850 in positive and distinct terms; and both these acts, by "the Organic Law," are "*declared to extend to and be in full force in the Territory of Nebraska.*" Do not misunderstand me. The Fugitive Slave Law does not carry slavery into this or any other territory, but it does recognize it as a lawful and constitutional thing in a territory as well as in a state. That Congressional recognition was established by Washington and the Congress of 1793. The Supreme Court have pronounced it to be in conformity with the Constitution; it has been re-enacted and extended, and stands to-day in full force and vigor, just as it did sixty-seven years ago. Territories are not states, but are the common property of the people of all the states alike. Congress, in erecting territorial or temporary governments, has conferred on some less and others greater powers of domestic or internal control. For this Territory, I claim the largest and most liberal exercise of the power to manage our own affairs, but in managing our own affairs, I deny the power to invade the plain constitutional rights of the citizens of the states by forbidding them to come here, or which is the same thing, by forbidding them to come here with their property. Or if there are any here who happen to hold a slave or slaves, I deny your power to drive them from our midst, or forfeit property which the Constitution recognizes as lawful.

When the people shall form their own constitution it will be for them to decide whether this Territory shall be received into the Union with slavery or without it. Whichever way they determine, no man has a right to complain, for *then* the rights, in the Territory, common to all the states, are absorbed in the one new and sovereign state added to the confederacy.

If there is any good to come from this proposed prohibition, I confess I am not able to see it, and were your power conceded and clear, I would resist its exercise as bad policy for the Territory, and unjust to fifteen states of the Union. You have served them with written notice that they have neither part nor lot in this common inheritance and possession. If the prohibition shall prevail, according to the manifest intent and terms of "this act," no man can safely set foot in Nebraska with a slave. You do not allow even the right of transit, from one slave-holding state to another, for citizens who may desire to carry their property with them. In a word, you not only discourage and forbid emigration from fifteen states, but you prevent hundreds who may wish to pass through the Territory, say from northern Missouri to Texas, from adopting the nearest and best route for them, which would be through some of the southern counties of Nebraska. The chief part of our river trade is with Saint Louis and other parts of Missouri. No steamboat with a hired slave on board, can with safety, touch the shores of Nebraska, for this law, which I understand you are determined to pass, notwithstanding these serious objections, is *unqualified* in its terms and *immediate* in operation. Is it not perfectly plain, that the effect must be to diminish in some degree our commercial facilities? While I am on this point, allow me to call your attention to a single fact familiar to many of you. During the early part of the past summer, one single citizen of Texas, drove through the southern portion of the Territory, eight hundred head of cattle, on his way to Chicago, and crossed them over the Missouri at Nebraska city. No matter how great the advantage of this or any other particular trade from Texas may be, must we drive it all away by this hostile and offensive legislation? "You may pass through and bring to our people what gains you please, but you must not contaminate our free soil with the footsteps of your slaves." The policy is narrow, short-sighted and contracted. Look at the map and you will see that the future of Nebraska is linked with Texas. Our road to market is through that great and growing state. From Galveston bay to the mouth of the Platte river is less than eight hundred miles, and from Galveston to New Orleans, but a fraction over four hundred miles more. a rail road is already surveyed and partially completed towards the northern line of Texas. It is destined to penetrate the Indian Territory, and Kansas and Nebraska, and by that road our rich harvests are eventually to reach their best market. A great consummation, but not greater than the future of a few years will accomplish, if we are true to ourselves and do not yield to fanaticism and folly. Is a friendly and fraternal spirit towards one of the states to which we are so nearly allied, or are offensive and adverse manifestations likely to terminate most profitably to the people?

This is a view, perhaps, of inferior importance, but your constituents may not so consider it.

And now, when discontent in half the Union is general, substantial and serious, your legislation seems to be most ill-timed and unpropitious.

Shall we add fuel to the flames of discord and feed the fires of dissolution? Shall we reject the wise and benign counsels of patriotism, and discard every sentiment which leads to a love of country? Or shall we not contribute, of our means, to the restoration of peace and the return of lost repose? On this day, you can, if you will, add something to the bright advent of the new born year. SAMUEL W. BLACK.

EXECUTIVE CHAMBER, January 1, 1861.

Mr. Tipton, chairman of Committee on Education made a report upon

C. B. No. 37, "A joint resolution relative to school lands in lieu of Half-breed lands,"

And

Mr. Goss, from same committee, a minority report on the same bill.

Laid over under the rule.

Mr. Dundy presented a petition from the citizens of Richardson county asking the passage of a law to restrain sheep and swine from running at large in said county.

Referred to Committee on Agriculture.

Mr. Strickland from special committee to whom was referred

C. B. No. 45, "An act to provide for the publication and distribution of the laws of the Territory,"

Submitted the following report:

The minority of your committee to whom was referred C. B. No. 45, beg leave most respectfully to report, that they have had under consideration

C. B. No. 45, "A bill for an act to provide for the publication of the Laws of the Territory of Nebraska,"

And recommend that the bill do not pass for the following reasons, to wit:

Sec. 12 of the Organic Act contains the following provision:

Three classes of expenditures are here provided for. 1st. "Sums to be expended by the Governor, to defray the contingent expenses of the Territory, including the salary of a clerk." 2d. "Sums to be expended by the Secretary" *** "to defray the expenses of the Legislative Assembly, the printing of the laws and other incidental expenses." These officers are to account to the Secretary of the Treasury for the manner in which they expend the sums and under his direction. 3d. "Expenditures by the Legislative Assembly for objects specially authorized by acts of Congress making the appropriations." Nothing more is wanted to determine the respective rights of the officers and Assembly, than a simple reading of this part of the section.

The law says the Governor shall make certain expenditures for certain other objects; and the legislature other expenditures for objects which Congress may provide for. One can not intrude upon the rights of the other.

When the act says the Secretary shall expend sums for certain objects, it clothes him with full power in the premises. To hold otherwise, would be going too far.

If we can control the Secretary in the matter of public printing, we may control the Governor in the payment of the salary of the clerk of his office; we may even say who that clerk shall be. The words of the act authorizing the Governor to appoint and pay a clerk, and the words authorizing the Secretary to procure the printing to be done are exactly the same.

To put the close construction of the law or on the words of the act, that it provides for the payment for the public printing, but leaves him powerless to contract for its execution, is to leave no department of the government authorized to contract for it.

The negative upon the power of the legislature to make an expenditure, not authorized by act of Congress, does not confer the right. The power does not exist anywhere if not with the Secretary.

It will also be seen, by reference to the 12th section of the organic act, that the legislature have no power to elect a public printer, for that act emphatically names the officers which the legislature shall have power to elect. They are as follows:

A presiding officer for each house, a chief clerk, an assistant clerk, a sergeant-at-arms and a door-keeper. This act further provides that the chief clerk shall receive four dollars per day for his services, and the other officers three dollars per day each, during the session of the legislative assembly, but no other officer shall be paid by the United States.

I would also refer you to the act of August 27th, 1842, vol. 5, page 542, Statutes at Large, which says:

"And be it further enacted that all accounts for disbursements in the territories of the United States of moneys appropriated by Congress for the support of the government therein, shall be settled and adjusted at the treasury department, and no act, resolution, or order of the legislature of any territory directing the expenditure of the same, shall be deemed sufficient for such disbursement. SILAS A. STRICKLAND.

Mr. Marquette submitted the following majority report:

Your Committee to whom was referred

C. B. No. 45, "A bill for an act to provide for the publication of the laws of this Territory,"

Having had the same under consideration, beg leave to submit the following report:

The question involved is one of vast importance to the people of this Territory, and in our action here we should remember that we represent a people ever jealous of their rights, true to the institutions of their country, proud in feeling, strong in their love of liberty, firm and unshaken in the resolve never to give up a right, they now turn anxiously to us to mark and note our action on this question. The question is, "Have we, the Legislative Assembly of this Territory, a right to govern our own incidental printing, and to have the laws published which are passed by us"[?]

We maintain the affirmative, and in support of our position, we maintain the following propositions:

1st. That the language, Organic Act, admits of no doubt that we have the power.

2d. If we admit that by the language of the Organic Act, it is doubtful whether the power is given to the Legislature or to the Secretary of the Territory, which is as far as can be admitted, then it is our bounden duty to govern the same.

3d. That whenever a power or right is given, all power necessary to carry out that right and give it effect is implied.

1st. Then we go to the Organic Act, see if it anywhere gives Secretary Morton the right to control the printing, and see what it says. The 3d section of said Organic Act defines the powers and duties of the Secretary of the Territory.

It makes it his duty to record and preserve all the laws and proceedings of the Legislative Assembly, but does not give him the power to, or impose upon him the duty of printing the laws. In that section, at least, the power is not given; the duty not imposed.

It is contended that the 12th section of the Organic Act, gives him, the Secretary, that right, from the fact that the money appropriated by Congress to pay for the printing of laws, is to be expended by the Secretary—that it is paid out by him.

And the objection is urged, that the Secretary having to account to the Secretary of the Treasury of the United States for the manner in which he expends said money, therefore, he ought to control the public printing, for fear, I suppose, that the public printer elected by us, would charge more for printing the laws than is appropriated by Congress for that purpose. But those who urge the objection, forget that Congress fixes the amount which the public printer is to receive for printing the laws, and the Secretary need have no greater fear, that we will, by electing our public printer, make an expenditure, or thereby require him to pay a bill which will not be allowed by the Department at Washington, than he would have by allowing us to elect our own clerks. The amount allowed by the Department for printing the laws will be the same, no matter who controls it.

All that the 12th section of the Organic Act means, where it says, "That the Governor and Secretary shall, in the disbursement of all moneys entrusted to them, be governed solely by the instructions of the Secretary (of the Treasury) of the United States," when applied to the printing of the laws, is just what it means when applied to the payment of members of the Council. The Secretary can be at no loss to know what to pay us here, because the Organic Act fixes the amount, neither can he be at a loss to know what to pay the public printer, for Congress fixes that. The meaning of the language of the section referred to, when taken all together, is this: That the Secretary, in the disbursements of all moneys is limited to objects for which Congress has made appropriations, and which are the necessary expenditures of the Legislative Assembly. It no more takes away from us the right of contracting for our public printing, than it takes away from us the right to elect our own president.

But again this section of the Organic Act clearly implies we have the power contended for; for the reason that said section in putting a limit on the expenses that are to be made by us, uses the following language, to wit: "No expenditure shall be made by said Legislative Assembly for objects not specially authorized by the acts of Congress, making the appropriations, nor beyond the sums thus appropriated for such objects. In order to show, then, that we should not control the public printing, and should not pass this law, two things must appear: 1st, That the printing of the laws is not an object specially authorized by the acts of Congress making the appropriations, or, in other words, that no appropriation had been made by Congress for the same. 2d, That we, in the bill under consideration, propose to go beyond and pay the public printer, more than the sum appropriated for such purpose. But neither one of these propositions can be made to appear, for the section just referred to in the Organic Act, says that there shall be a sum sufficient to pay for the printing of the laws appropriated annually. and certainly by this law it will not be contended that we propose to go beyond and pay the printer more than is appropriated for this object.

The amount thus to be paid we assume no control over. The common sense view of the whole subject is, that the printing of the laws is one of those expenditures, which are necessary to give effect to our legislation and we should control it.

If however, we admit that by the language of the Organic Act, it is doubtful whether the power is given to us or to the Secretary, which is as much as can be admitted, it is still our bounden duty to control the same, for the reason, 1st, That it is taking a right from the people of this territory which ought to be theirs.

All legislative bodies throughout the extent of our land, from Congress down, without, I [we] believe, a single exception, control the printing of the laws that are passed by them. The right to legislate is not perfect without such control. The inherent feeling of every American, is, that no right should be taken from the people unless the power that takes it is clear and unequivocal (and more especially when it is to be surrendered to the dictation of one man); it is always far safer to trust the people or their representatives, when the interests of this territory are at stake, than the Secretary. If there is no doubt then let us solve it in favor of the people.

Again the 6th section of the Organic Act, gives us the right to legislate, and we claim that all power that is necessary to carry that legislation out and give it full effect, is implied. There is no express power given us in the Organic Act, to elect a president, yet the fact that we have the power to legislate, implies that we have the right to permanently organize. And so it follows from the fact that incidental printing is necessary to legislation, that we have the power to govern it, if it is necessary to have a bill printed in order that the members here may examine it, and determine whether it is such as should pass, or not.

It is necessary to say when it should be printed in order to determine when it shall pass. If the Secretary is to determine by *whom*, *when* and *where* such printing is to be done, he may likewise determine *when* we shall pass the bill. He, by refusing or neglecting to have it printed, might defeat a fair investigation—nay its very passage; and by neglecting or refusing to have the laws printed, which are passed by us, he may make nugatory all that we do; for neither the Organic Act, or any law of Congress, makes it the duty of the Secretary to print the laws in any particular time specified.

Pause and ask yourselves, have we the right to legislate unless we have power to control everything which is necessary to carry that legislation into effect. It is absurd to say we have the right to pass laws here and have not the power to publish them and let the people know what they are.

Again, this power has always, up to the session of 1858, been exercised by the Legislative Assembly, and the assumption on the part of the Secretary is an extraordinary one.

It is a matter. however, of no astonishment; for it is in harmony with the tyrannical conduct of the administration, from whom he holds his commission, and under whose control he assumes to act. The power once admitted, every reason is in favor of the Legislative Assembly controlling the same. Shall we then give up a right which at times has been acknowledged by all parties to belong to us? Shall it be tamely surrendered to one man dictation, for him to dispose of to party favorites? Shall we thwart, at pleasure, the will of the people? And shall we, their chosen representatives, tamely submit to it?

The duty we owe to our constituents demands that we should reclaim this right which has been wrongfully taken from us.

The bill under consideration provides the means by which it may be reclaimed. We therefore report the same back and recommend its passage. All of which is respectfully submitted.

T. M. Marquette,
E. S. Dundy.

Mr. Strickland introduced

C. B. No. 55, "A joint resolution for the relief of William C. Fleming."

Read first time, and

On motion,

Rules suspended, read a second time by its title and referred to a select committee, consisting of Messrs. Strickland, Marquette and Tipton.

Mr. Bennett introduced

C. B. No. 56, "A bill for an act to exempt the homestead and certain articles of personal property from forced sale on execution."

Read first time, and

On motion,

Rules suspended, read a second time by its title and referred to Judiciary Committee.

C. B. No. 53, "An act for the regulation and continuance of a system of education by common schools."

Read first time, and

On motion,

Rules suspended, read second time by its title and ordered printed.

H. F. No. 69, "A bill to provide for the publication of certain laws in county newspapers."

Read first time, and

On motion,

Rules suspended, read a second time by its title and referred to the Committee on Ways and Means.

H. F. No. 115, "Joint resolution in favor of Frederick Renner."

Read first time, and

On motion,

Rules suspended, read second time by its title and referred to the Committee on Accounts and Expenditures.

H. F. No. 88, "A bill for an act to legalize the organization of of Cuming county."

Read first time, and

On motion,

Rules suspended, read a second time by its title, and referred to Committee on County Boundaries and Seats.

C. B. No. 24, "An act to incorporate Table Rock seminary."

Read third time.

Passed and title agreed to.

H. F. No. 105, "An act to locate and establish a territorial road from the mouth of the Platte river in Cass county, to New Fort Kearney in Nebraska Territory."

Read first time, and

On motion,

Rules suspended, read second and third time.

Passed and title agreed to.

H. F. No. 100, "A bill for an act for the relocation of a territorial road in Cass county."

Read first time, and

On motion,

Rules suspended, and read second time by its title, and referred to select committee consisting of

Messrs. Marquette, Unthank, and Tipton.

H. F. No. 108.

Read first time, and

On motion,

Rules suspended, read a second time by title, and referred to the Committee on Highways, Bridges and Ferries.

H. F. No. 1, "A bill for an act to regulate and establish the rate of interest on money and on contracts."

Read second time, and

On motion,

Referred to the Committee on Ways and Means, with instructions to report on it to-morrow morning and that the same be made the special order of the day to-morrow at 11 o'clock A. M.

On motion of Mr. Marquette,

The ayes and nays were demanded on the adoption of the majority report of the committee to whom was referred

C. B. No. 45, "A bill for an act to provide for the publication and distribution of the laws of the Territory,"

With the following result:

Ayes—Messrs. Dundy, Marquette, Thayer, Tipton, Unthank and Mr. President.—6.

Nays—Messrs. Belden, Bennett, Goss, Little and Strickland.—5.

Adopted, and

On motion,

The bill was made the special order of the day for half-past 2 o'clock P. M.

Mr. Goss moved that the vote making it the special order of the day for this P. M. be reconsidered.

Mr. Marquette demanded a call of the House.

Mr. Strickland moved that a call of the House be dispensed with,

On which ayes and nays were had as follows:

Ayes—Messrs. Belden, Bennett, Goss, Little, Strickland, Thayer, Tipton and Unthank.—8.

Nays—Messrs. Dundy, Marquette and Mr. President.—3.

Carried.

The question being upon the motion to reconsider,

The ayes and nays were had as follows:

Ayes—Messrs. Belden, Bennett, Goss, Little, Strickland and Thayer.—6.

Nays—Messrs. Dundy, Marquette, Tipton, Unthank and Mr. President.—5.

Carried.

On motion of Mr. Little,

The Council went into Committee of the Whole upon

C. B. No. 45, "A bill for an act to provide for the publication and distribution of the laws of the Territory."

Hon. John M. Thayer in the chair.

After remaining sometime therein the committee arose, reported progress and asked leave to sit again.

The following message was received from the Governor:

EXECUTIVE CHAMBER,
Jan. 2d, 1861.

To the Council:
Mr. President:

I am instructed by the Governor to inform your honorable body that he has signed and approved

"A joint resolution and memorial for a hospital at or near Fort Kearney."

JOHN McCONIHE,
Private Secretary.

On motion,

Council took a recess until half-past two o'clock.

Afternoon Session.

Council met.

President in the chair.

On motion,

The Council resolved itself into Committee of the Whole and resumed business upon

C. B. No. 45.

Mr. Tipton in the chair.

After remaining some time therein, the committee arose, reported back some amendments and recommended its passage as amended.

Mr. Elbert demanded a call of the House.

Absent—Messrs. Dundy and Taffe.

On motion of Mr. Elbert,

The Sergeant-at-Arms was dispatched after absentees.

On motion of Mr. Little,

All further proceedings under the call dispensed with.

Mr. Little moved that the report of the Committee of the Whole be adopted.

Upon which the ayes and nays were demanded with the following result:

Ayes—Messrs. Elbert, Marquette, Thayer, Tipton, Unthank and Mr. President.—6.

Nays—Messrs. Belden, Bennett, Goss, Little and Strickland.—5.

Carried.

Mr. Marquette moved that the bill be engrossed and read a third time to-morrow.

Upon which the ayes and nays were demanded with the following result:

Ayes—Messrs. Elbert, Marquette, Tipton, Taffe, Unthank and Mr. President.—6.

Nays—Messrs. Belden, Bennett, Goss, Little, Strickland and Thayer.—6.

Lost.

Mr. Little moved that the further consideration of the bill be postponed until one week from next Friday.

Upon which the ayes and nays were had with the following result:

Ayes—Messrs. Belden, Bennett, Goss, Little, Strickland, Thayer.—6.

Nays—Messrs. Elbert, Marquette, Tipton, Taffe, Unthank and Mr. President.—6.

Lost.

The following message was received from the House:

House of Representatives,
Omaha, Jan. 2d, 1861.

Mr. President:

I am instructed to inform your honorable body that the House have passed

H. F. No. 117, "A bill for an act to to amend 'An act to incorporate a seminary to be located in Cass county, Nebraska,'" approved Oct. 23, 1858.

H. F. No. 118, "A bill for an act to authorizing the commissioners of Nemaha county to relevy the taxes for 1860."

H. F. No. 119, "A bill for an act to vacate a part of Front street in the town of Beatrice, in Gage county."

H. F. No. 121, "A bill for an act in relation to lawyers' fees."

H. F. No. 122, "A bill for an act regulating the fees of masters in chancery."

And your concurrence therein is respectfully requested."

Geo. L. Seybolt, Chief Clerk.

Mr. Little moved that the consideration of

C. B. No. 45, "An act in reference to the publication of the laws of the Territory,"

Be postponed until Monday next.

Upon which the ayes and nays were demanded as follows:

Ayes—Messrs. Belden, Bennett, Goss, Little, Strickland and Thayer.—6.

Nays—Messrs. Dundy, Elbert, Marquette, Tipton, Taffe, Unthank and President.—7.

Lost.

On motion of Mr. Taffe,

The bill was ordered engrossed to be read a third time to-morrow.

Mr. Little moved that 1000 copies of the Governor's veto message be printed, and the subject matter of the same be made the special order of the day for Saturday, at 6 o'clock P. M.

Carried.

Mr. Unthank moved to reconsider the vote by which the Council refused to adopt the recommendations of the Committee of Conference on H. F. No. 6, "An act to abolish the office of School Commissioner."

Carried.

Mr. Taylor moved that the report of the Committee of Conference be adopted.

Upon which the ayes and nays were had as follows.

Ayes—Messrs. Dundy, Elbert, Marquette, Thayer, Tipton, Unthank and Mr. President.—7.

Nays—Messrs. Belden, Bennett, Goss, Little, Strickland and Taffe.—6.

Carried.

Mr. Taylor moved that the Council do now recede from the amendment to H. F. No. 6.

Upon which the ayes and nays were had as follows:

Ayes—Messrs. Dundy, Elbert, Marquette, Taylor, Thayer and Unthank.—6.

Nays—Messrs. Belden, Bennett, Goss, Little, Strickland, Tipton and Taffe.—7.

H. F. No. 72, "An act to authorize the county commissioners of Washington county to build a bridge across the Elkhorn river at Fontenelle."

Read third time.

Passed and title agreed to.

Mr. Dundy made a report upon H. F. No. 92.

Laid over under the rule.

Mr. Little made a minority report upon the same bill.

Laid over under the rule.

The following reports were received.

Your Committee on Engrossed and Enrolled Bills have to report that they have presented to the Executive for his approval,

"A joint resolution and memorial relative to school lands in the fractional townships in Nebraska Territory."

Also,

"A joint resolution and memorial for a hospital at or near Fort Kearney."

J. M. Thayer,
D. D. Belden.

Mr. Bennett, on leave, introduced

C. B. No. 57, "An act to incorporate the town of Cornelia, in Clay county, N. T."

Read first time, and

On motion,

Rules suspended, read second time by its title, and referred to the Committee on Incorporations.

Mr. Thayer made a report upon H. F. No. 59.

Laid over under the rules.

Council adjourned. E. P. BREWSTER, Chief Clerk.

COUNCIL CHAMBER.
Thursday, Jan. 3d, 1860.

Council met.

President in the chair.

Prayer by the Chaplain.

Journal read.

The following message received from the House:

HOUSE OF REPRESENTATIVES,
Jan. 3d, 1861.

Mr. President:

I am instructed to inform you that the House has passed

H. F. No. 49, "A bill for an act to confirm the title of Thomas Martin and J. H. Coriell to certain real estate in the city of Omaha."

H. F. No. 70, "Joint resolution and memorial asking Congress for an appropriation to construct a bridge over the Platte river, at or near its mouth."

H. F. No. 83, "A bill for an act to authorize Eliza R. Mitchell and Alexander Hunter to keep a mill dam across Mill creek at Florence, Donglas county, Nebraska Territory."

H. F. No. 87, "Joint resolution for the relief of F. Wilkinson from the Boulder."

H. F. No. No. 88½, "An act to regulate the laying out of towns and villages."

H. F. No. 94, "An act to locate a territorial road from St. John's to Ionia, Nebraska territory."

H. F. No. 95, "A bill for an act to equalize the territorial taxes heretofore assessed."

H. F. No. 110, "A bill for an act to locate and establish a territorial road from Weeping Water falls, Cass county, to Salt Creek crossing, in Lancaster county."

And ask your concurrence therein.

I also return

C. B. No. 18, "An act to incorporate the Baptist church of Cuming city,"

The same having passed the House without amendment.

GEO. L. SEYBOLT, Chief Clerk.

Mr. Thayer made report on H. F. No. 18.

Laid over under the rule.

Mr. Taffe, from Judiciary Committee, made report upon C. B. No. 43.

Laid over.

Mr. Elbert, from Committee on Ways and Means, reported as follows:

Mr. President:

Your Committee to whom was referred

H. F. No. 1, "A bill for an act to regulate and establish the rate of interest on money and on contract,"

Have had the same under consideration and beg leave to report the same back and recommend its passage.

SAM. H. ELBERT,
E. S. DUNDY.

Adopted.

Mr. Marquette introduced

C. B. No. 59, "A bill for an act to provide for the appointment of clerks for the district court of the Territory."

Read the first time.

Rules suspended, read a second time and referred to Committee on Judiciary.

Mr. Elbert introduced C. F. No. 60.

Mr. Dundy introduced

C. B. No. 61, "A bill for an act to restore the rights of citizenship to Stephen G. Moran.

Read the first time.

H. F. No. 79, "A memorial relative to a tri-weekly mail service between Columbus and Fort Kearney."

Read the first time.

Rules suspended.

Read a second and third time,

Passed and title agreed to.

H. F. No. 57, "An act to legalize the business of the Territorial Auditor and Treasurer.

Read the first time.

Rules suspended.

Read a second time and referred to Committee on Finance.

H. F. No. 93, "An act to locate territorial road from Nebraska city to Brownville."

Read the first time.

Rules suspended.

Read a second and third time.

Passed and title agreed to.

H. F. No. 106, "A bill for an act to re-survey a part of the territorial road leading from Nebraska city in Otoe county to Tecumseh, in Johnson county, N. T."

Read first time.

Rules suspended.

Read a second and third time.

Passed and title agreed to.

On motion of Mr. Marquette,

The vote upon the passage of H. F. No. 79 was reconsidered, and the bill referred to a select committee, consisting of Messrs. Marquette, Belden and Unthank to make certain amendments.

H. F. No. 117, "A bill for an act to amend 'An act to incorporate a seminary to be located in Cass county, Nebraska Territory,'" which took effect October 23d, 1858.

Read the first time.

Rules suspended.

Read a second and third time.

Passed and title agreed to.

H. F. No. 119, "A bill for an act to vacate a part of Front street in the town of Beatrice in Gage county, N. T,"

Read first time.

H. F. No. 118, "A bill for an act authorizing the county commissioners of Nemaha county to relevy the taxes for 1860."

Read first time.

Rules suspended, read a second and third time.

Passed and title agreed to.

C. B. No. 41, "An act to vacate a part of the town plat of the town of Fremont in Dodge county."

Read a third time.

Passed and title agreed to.

H. F. No. 121, "An act in relation to lawyers' fees."

Read first time.

C. B, No. 59, "A bill for an act to provide for the appointment of clerks for the district court of this territory,"

Read second time and referred to the Committee on Judiciary.

C. B. No. 9, "An act to incorporate a seminary to be located at Elkhorn city in Douglas county, Nebraska Territory."

Read a first and second time, referred to Committee on Incorporations.

H. F. No. 74, "A memorial and joint resolution relative to the establishment of a weekly mail route from Dakota city to Fort Randall."

Read first time.

Rules suspended, read a second and third time,

Passed and title agreed to.

C. B. No. 61, "A bill for an act to restore the rights of citizenship to Stephen G. Moran."

Read the first time.

Mr. Unthank moved that

H. F. No. 121, "An act relative to lawyers' fees,"

Be indefinitely postponed.

Ayes and nays demanded:

Ayes—Messrs. Goss, Unthank and Mr. President.—3.

Nays—Messrs. Belden, Bennett, Dundy, Elbert, Little, Marquette, Strickland, Taffe, Thayer and Tipton.—10.

Lost.

Mr. Thayer moved to read the bill a second time by its title.

Ayes and nays demanded.

Ayes—Messrs. Belden, Bennett, Dundy, Elbert, Little, Marquette, Strickland, Taffe, Thayer, Tipton and Mr. President.—11.

Nays—Messrs. Goss and Unthank.—2.

Carried.

Mr. Elbert offered the following amendment to the bill in 5th line of 1st section, after the word "chancery" insert the words "who is now a member of the House of Representatives of the Legislative Assembly of the Territory of Nebraska.

Sec. 2d. The provisions of this act are not to apply to the members of the Council of the Legislative Assembly of the Territory of Nebraska."

Change section 2 to 3.

Mr. Strickland moved the adoption of the amendment.

Ayes and nays demanded.

Ayes—Messrs. Belden, Dundy, Elbert, Little, Marquette, Strickland, Taffe, Thayer and Tipton.—9.

Nays—Messrs. Bennett, Goss, Unthank and Mr. President.—4.

Carried.

Read a third time, passed and title agreed to.

Mr. Strickland made a report on C. B. No. 55.

Laid over.

H. F. No. 116, "An act to locate a territorial road from Elkhorn city to Fontenelle."

Read a first and second time.

Referred to Committee on Highways, Bridges and Ferries.

H. F. No. 25, "A bill for an act authorizing suits upon written instruments to be brought in the name by which the same are executed."

Read first time.

Rules suspended, read a second time, referred to Judiciary Committee.

H. F. No. 107, "A bill for an act to locate a territorial road from Nebraska city to New Fort Kearney, Nebraska Territory."

Read a first and second time.

Referred to Committee on Highways, Bridges and Ferries.

H. F. No. 122, "A bill for an act regulating the fees of masters in chancery."

Read a first and second time.

Referred to Judiciary Committee.

H. F. No. 104, "A bill for an act to exempt a homestead and certain amount of personal property from forced sale in certain cases."

Read a first and second time.

Referred to Judiciary Committee.

Mr. Dundy upon leave, introduced

C. B. No. 62, "A bill for an act requiring defendants to pay the fees of filing and entering transcripts of judgments of justices of the peace."

Also,

C. B. No. 63, "A bill for an act authorizing the holding of special terms of the district courts in certain cases." Each bill

Read a first and second time.

Rules suspended, referred to select committee consisting of Messrs. Dundy, Elbert and Bennett.

Mr. Dundy, from Committee on Incorporations, made the following report on

H. F. No. 35. * * * * *

C. B. No. 57. * * * * *

Laid over under the rule.

Mr. Unthank, chairman of Committee on Highways, Bridges and Ferries made report on H. F. No. 108.

Laid over.

The committee to whom was referred

C. B. No. 29, "A bill for an act to authorize county treasurers to pay interest on county orders,"

Have had the same under consideration and beg leave to report the same back and recommend that it be indefinitely postponed.

S. H. Elbert,
E. S. Dundy.

Adopted.

On motion of Mr. Marquette,

H. F. No. 59, "A bill for an act to create the office of district attorney,"

Was ordered printed and made the special order of the day for tomorrow at 12 o'clock.

Mr. President:

The Committee on Enrolled and Engrossed Bills have presented to his Excellency for his approval,

"An act relative to appeals." J. M. Thayer.

Mr. Elbert moved to reconsider the vote by which H. F. No. 2 was passed.

Lost.

H. F. No. 26, "A bill for an act to encourage the cultivation of fruit, forest and ornamental trees."

Read a third time.

Passed and title agreed to.

H. F. No. 89, "A bill for an act to restrain sheep and swine from running at large in the counties of Johnson and Clay."

Read a third time.

Passed and title agreed to.

H. F. No. 19, "A bill for an act to authorize J. S. Carr, his associates, heirs and assigns to keep a mill-dam across the south branch of Weeping Water in Cass county."

Read third time.

Passed and title agreed to.

H. F. No. 66, " Joint resolution and memorial for an Assay office in Nebraska Territory."

Read a third time.

Passed and title agreed to.

C. B. No. 39, "An act to incorporate Omaha lodge, No. 2, I. O. of O. F."

Read third time.

Passed and title agreed to.

H. F. No. 15, "An act to establish a ferry across the Missouri river, in Burt county."

Read third time.

Passed and title agreed to.

The following report of the majority of the committee, to whom was referred H. F. No. 37, was presented by Mr. Tipton:

Mr. President;

Your Committee on Education, to whom was referred:

C. F. No. 37, "A joint resolution and memorial relative to school lands in lieu of Half-breed lands,"

Reported the same back with an amendment as follows:

Strike out sixteen lines following the word "that" in the third line and insert the following: "There exists an Indian reservation extending from the Little to the Great Nemaha river in Nebraska Territory, around which the boundaries of Nemaha and Richardson counties have been extended; and that within said reservation there has been no provision made for school lands, and that there is no established custom relative to exercising the election franchise by such American or adopted citizens as have become purchasers of allotments. That Governor's proclamations have regarded this tract as a reservation, and as excluded from the limits of Nebraska Territory in apportioning members of this body, and that while one county assesses property and has collected taxes of about one-tenth of such residents, the other county has never done either. That while the one has established election precincts, the other never claimed jurisdiction in that behalf, and consequently the one has been represented in the legislature and in county offices by citizens of this reserve, while the other never allowed her people, in like condition, to hold offices of honor, profit or trust. Your memorialists further represent, that out of this state of affairs contests arise in the legislature of the Territory in relation to seats of members, and in one or two instances the question has entered into contested election cases in your honorable body. Being aware that in some instances Indian titles have been extinguished by act of Congress, and knowing of no act or proclamation of the President to that effect, in in this behalf, and being extremely anxious to see all obstructions removed, that the qualified voters of the reserve may legally join us in the duties, burdens and blessings of Government, your memorialists ask such prompt and efficient action as may be deemed advisable in the premises.

T. W. Tipton,
J. A. Unthank.

Mr. President:

The minority of your committee, to whom was referred

C. F. No. 37, "A joint resolution and memorial relative to school lands in lieu of Half-breed lands,"

Beg leave to report, that having examined the same, I believe it should pass without amendment. I can not concur in the amendment recommended by the majority of the committee inasmuch as it unqualifiedly asserts that "there exists an Indian reservation, extending from the Little to the Great Nemaha rivers, in Nebraska Territory," etc., which assertion I am not prepared to admit. I am of the opinion that under the provisions of the treaty of Prairie du Chien of July, 1830, the territory thereby set apart to the Half-breeds, and included within the above boundaries, is not such a reservation as is excluded from within the boundaries of this Territory by the Organic Act, passed by Congress in 1854, organizing a government for this Territory, and therefore I cannot consistently concur in the assertion made by the majority of the committee that it is such a reservation.

John Q. Goss.

Mr. President:

The Committee on Incorporations to whom was referred

H. F. No. 92, entitled "An act to incorporate the United Presbyterian church of Rock Bluffs city,"

Have had the same under consideration and report it back without amendment and recommend its passage.

E. S. Dundy,
John Taffe.

Mr. President:

The minority of your committee to whom was referred

H. F. No. 92, "An act to incorporate the United Presbyterian church of Rock Bluffs city,"

Have had the same under consideration and would beg leave to submit the following:

Your Committee upon examination of the laws already enacted, find that there is a general law upon the subject of incorporations, and that the same is amply sufficient and fully covers the case now under consideration, and I would submit that it would be infinitely better to refer all parties asking for special charters, to the wholesome provisions of the existing laws, and not burden our statute books further with these special or private acts.

The minority of your committee would therefore recommend that the bill do not pass.

All of which is respectfully submitted. Wm. A. Little.

H. F. No. 92, "An act to incorporate the United Presbyterian church of Rock Bluffs city."

Now taken up.

Mr. Dundy's majority report

Adopted.

The bill read third time.

Passed and title agreed to.

H. F. No. 51, "A bill to amend the charter of Nebraska city."

Read a third time.

Passed and title agreed to.

Message from the Executive:

EXECUTIVE CHAMBER,
Jan. 3d, 1861.

Mr. President:

And Gentlemen of the Council:

I am instructed by the Governor to inform your honorable body that he has signed and approved

"A joint resolution and memorial relative to school lands in the fractional townships of the Territory of Nebraska;"

Also,

"An act relative to appeals."

JOHN McCONIHE,
Private Secretary.

Mr. Marquette moved that

C. B. No. 48, "A bill for an act to provide for the publication and distribution of the laws of the Territory."

Read a third time and put upon its passage.

Ayes and nays demanded:

Ayes—Messrs. Dundy, Elbert, Marquette, Taffe, Tipton, Unthank and Mr. President.—7.

Nays—Messrs. Belden, Bennett, Goss, Little, Strickland and Thayer.—6.

Passed and title agreed to.

The Committee on Engrossed Bills beg leave to report back

C. B. No. 45, "A bill for an act to provide for the publication and distribution of the laws of the Territory"

As correctly engrossed.

J. M. THAYER,
D. D. BELDEN.

On motion,

Council adjourned.

E. P. BREWSTER, Chief Clerk.

COUNCIL CHAMBER,
Friday, Jan. 4th, 1861.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

Mr. Tipton gave notice of a bill to amend the school law.

Mr. Elbert introduced C. B. No. 64.

Read first time.

The following message received from the House:

House of Representatives,
Omaha, Jan. 4th, 1861.

Mr. President:

I am instructed to inform your honorable body, that the House have passed

H. F. No. 128, "A bill for an act, to amend 'An act to incorporate a university to be located in Cass county, Nebraska Territory," approved October 23d, 1858.

H. F. No. 138, "A bill for an act to amend 'An act to locate a territorial road from Fort Calhoun in Washington county to Fontenelle in the same county,'"

And your concurrence therein is respectfully requested.

I also return you herewith

C. B. No. 41, "An act to vacate a part of the town plat of Fremont,"

The same having passed the House without amendment.

I also instructed to inform your honorable body, that the House have refused to concur with the amendments to sections two (2) and thirty (30) in

H. F. No. 2, "A bill for an act regulating the fees and salaries of certain officers,"

And that Messrs. Downs, Redick and Lockwood have been appointed a committee of conference thereon.

George L. Seybolt, Chief Clerk.

C. B. No. 64, "A bill for an act providing for the settlement of decedent's estates and for other purposes."

Read a second time under a suspension of the rules, and upon motion made the special order of the day for 2 o'clock this P. M.

Mr. Goss introduced

C. B. No. 65, "An act to appoint and commission the county officers of Morton county."

Read first time.

The following report received:

Your Committee on Engrossed and Enrolled Bills report,

That they have presented to the Executive, for his approval, the "Bill for an act to incorporate the Baptist church of Cuming city."

J. M. Thayer,
D. D. Belden.

H. F. No. 130, "An act to amend 'An act to locate a territorial road from Fort Calhoun, in Washington county, to Fontenelle, in same county.'"

Read first time.

On motion,

Rules suspended; read second and third time by its title.

Passed and title agreed to.

H. F. No. 129, "A bill for an act to amend 'An act to incorporate a university, to be located in Cass county, Nebraska Territory.'" approved Oct. 23d, 1858.

Read first time.

On motion,

Rules suspended; read second and third time.

Passed and title agreed to.

H. F. No. 70, "A joint resolution and memorial asking Congress for an appropriation to construct a bridge over the Platte river, at or near its mouth."

Read first time, and

On motion,

Rules suspended, read second time by its title and referred to select committee consisting of Strickland, Marquette and Elbert.

H. F. No. 95, "A bill for an act to equalize the territorial taxes heretofore assessed."

Read first time.

H. F. No. 94, "An act to locate a territorial road from St. Johns to Ionia, Nebraska."

Read first time, and

On motion,

Rules suspended, read second time by its title and referred to select committee consisting of Messrs. Taffe, Tipton and Thayer.

H. F. No. 88½, "An act to regulate the laying out of towns and villages."

Read first time, and

On motion of Mr. Belden,

It was postponed until February 1, 1861.

Mr. Belden introduced

C. B. No. 66, "An act providing for the disposal of the proceeds of city licenses and fines."

Read first time.

H. F. No. 83, "An act to authorize Eliza K. Mitchell and Alexander Hunter to keep a mill dam across Mill creek at Florence, Douglas county, N. T."

Read first time, and

On motion,

Rules suspended, read a second time by its title and referred to a select committee, consisting of Messrs. Belden, Thayer and Little.

H. F. No. 49, "A bill for an act to confirm the title of Thomas Martin and J. H. Coriell to certain real estate in the city of Omaha, N. T."

Read first time.

H. F. No. 110, "A bill for an act to locate and establish a territorial road from Weeping Water Falls, Cass county, to Salt Creek crossing in Lancaster county."

Read first time and

On motion,

Rules suspended, read a second time by its title and referred to the Committee of Highways, Ferries and Bridges.

Mr. Goss introduced

C. B. No. 67, * * * * * * * *

C. B. No. 66, "An act providing for the disposal of the proceeds of city licenses and fines."

Read second time and

On motion,

Rules suspended, read a third time.

Ayes and nays had as follows:

Ayes—Messrs. Belden, Bennett, Elbert, Goss, Little, Marquette, Tipton and Mr. President.—8.

Nays—Messrs. Dundy, Strickland, Taffe and Unthank.—4.

Passed and title agreed to.

C. B. No. 61, "A bill for an act to restore the right of citizenship to Stephen G. Moran."

Read second time and

On motion,

Rules suspended, read a third time, passed and title agreed to.

The Committee on Libraries submitted the following report:

The Committee on Libraries, to whom was referred

H. F. No. 18, "An act to abolish the office of Librarian,"

Having had the same under consideration, report it back without recommendation.

J. M. Thayer,
J. A. Unthank.

Mr. Goss, from Committee on Libraries, submitted the following minority report:

The minority of your committee to whom was referred

H. F. No. 18, "A bill to abolish the office of Territorial Librarian,"

Having had the same under consideration beg leave to report the same back and recommend its passage with the following amendment:

In section 2, seventh line, strike out the word "forthwith."

Insert the following as section 3:

"The present Territorial Librarian shall, at the expiration of his term of office, transfer to the Territorial Auditor all books, papers and other property in his possession belonging to the Territory."

Change section 3 to section 4; strike out section 4 and insert the following as section 5:

"This act shall take effect on the 9th day of October, A. D. 1861, and be in force from and after that date.

All of which is respectfully submitted. John Q. Goss.

Mr. Elbert moved that the bill be read the third time and put upon its passage.

Upon which the ayes and nays were demanded, as follows:

Ayes—Messrs. Elbert, Marquette and Mr. President.—3.

Nays—Messrs. Belden, Bennett, Dundy, Goss, Little, Strickland, Tipton and Unthank.—8.

Mr. Taffe was excused from voting on the bill.

H. F. No. 35, "A bill for an act to incorporate the hook and ladder company No. 1 of Omaha city," Was read the third time.

Passed and title agreed to.

The following report was received:

Your committee, to whom was referred

H. F. No. 115; "Joint resolution in favor of Frederick Renner,"

Have had the same under consideration and beg leave to report the same back and recommend its passage.

SAMUEL H. ELBERT,
SILAS A. STRICKLAND,
J. A. UNTHANK.

Report adopted.

On motion,

The bill was read the third time.

Passed and title agreed to.

Mr. Strickland introduced

C. B. No. 67, "A bill providing for the repeal of poll tax."

Mr. Goss gave notice

Of a bill to amend an act entitled "An act authorizing E. P. Stout and his associates to run and keep a ferry across the Missouri river at De Soto."

The following report was received and

Adopted.

Your committee to whom was referred

C. B. No. 29, "A bill for an act to authorize county treasurers to pay interest on county orders,"

Having had the same under consideration, beg leave to report the same back and recommend its indefinite postponement.

(*Committee unknown.*)

The following report was received from the Judiciary Committee:

The Committee on Judiciary to whom was recommitted

C. F. No. 43, "A bill for an act to fix the times for holding the district court in the 1st judicial district,"

Beg leave to report the same back to the Council with the following amendments and recommend its passage.

Strike out in the 13th line of the first section the words "third Tuesday of September," and insert the words "first Tuesday of October," also strike out in the seventeenth line of said section the words "first Tuesday of October" and insert the words "third Tuesday of September."

All of which is respectfully submitted.

The following report was submitted:

Your select committee to whom was referred

H. F. No. 59, "A bill for an act to create the office of prosecuting attorney and abolish the office of (district) attorney,"

Having had the same under consideration, have instructed me to report the same back to the Council and recommend its passage.

J. M. THAYER, Chairman.

The Committee on Incorporations submitted the following report:

Your committee to whom was referred

H. F. No. 35, entitled "A bill for an act to incorporate the hook and ladder co. No. 1 at Omaha,"

Also,

"A bill for an act to amend the charter of Nebraska city,"

Have had the same under consideration, and report the same back without recommendation.

They have also had under consideration

C. B. No. 57, "An act entitled an act to incorporate the town of Cornelia in Clay county, N. T.,"

And report the same back and recommend its indefinite postponement.

E. S. Dundy,
John Taffe.

Mr. Elbert from the Committee on Finance, submitted the following report:

Your committee to whom was referred

H. F. No. 1, "A bill for an act to regulate and establish the rate of interest on money and contracts,"

Have had the same under consideration, and report it back and recommend its passage.

S. H. Elbert,
E. S. Dundy.

Report adopted

Mr. Dundy moved to go into Committee of the Whole on the bill.

Lost.

Mr. Belden moved to recommit to the committee with instructions to strike out the word "fifteen, and insert the word "ten."

Ayes and nays demanded:

Ayes—Messrs. Belden, Strickland, Taffe and Tipton.—4.

Nays—Messrs. Bennett, Dundy, Elbert, Goss, Little, Marquette, Unthank and Mr. President.—8.

Lost.

On motion,

The bill was read the third time and put upon its passage, upon which the ayes and nays were demanded:

Ayes—Messrs. Bennett, Dundy, Elbert, Goss, Little, Marquette, Strickland, Tipton, Unthank and Mr. President.—10.

Nays—Messrs. Belden and Taffe.—2.

Bill passed and title agreed to.

On motion,

The Council voted to recede from the amendments made to

H. F. No. 2, "A bill regulating the fees and salaries of certain officers."

The Committee on Engrossed and Enrolled Bills, submitted the following report:

Your committee report the

"Joint resolution and memorial relative to school lands in lieu of Half-breed lands,"

As correctly engrossed.

J. M. **Thayer**,
D. D. **Belden**.

The following report from the Judiciary Committee was received and adopted:

Your committee to whom was referred

H. F. Nos. 13 and 81, entitled respectively, "An act concerning occupying claimants," and "An act relative to jury trials in the district courts,"

Have had the same under consideration and beg leave to report H. F. No. 13, back to the Council without amendment, and recommend its passage; and H. F. No. 81, with the recommendation that its further consideration be indefinitely postponed.

John Taffe,
T. M. **Marquette**.
D. D. **Belden**.

On motion,

H. F. No. 13, was read third time.

Passed and title agreed to.

The following report from the Committee on Highways, Bridges and Ferries was received and adopted:

Your committee to whom was referred:

H. F. No. 108, "A bill for an act to locate a road from Rockport, Washington county, to Elkhorn, in Douglas county,"

Have had the same under consideration and beg leave to report the same back and recommend its passage.

John A. Unthank, Chairman.

H. F. No. 108, "An act to locate a road from Rockport, Washington county, to Elkhorn, Douglas county."

Read third time.

Passed and title agreed to.

The Committee on Finance, Ways and Means submitted the following report:

You committee to whom was referred

H. F. No. 69, A bill to provide for the publication of certain laws in county newspapers,"

Have had the same under consideration and beg leave to report the same back and recommend its passage.

Samuel H. Elbert,
E. S. Dundy.

On motion of Mr. Little,

The further consideration of the report was indefinitely postponed.

The following report was submitted:

Your select committee to whom was referred

C. B. No. 55, "Joint resolution for the relief of William C. Fleming,"

Have had the same under consideration and ask leave to report the following substitute therefor and recommend its passage.

SILAS A. STRICKLAND,
T. W. TIPTON.

(Substitute missing.)

On motion of Mr. Taffe,

The bill was recommitted to the committee who made the following report:

A majority of your select committee to whom was referred

C. B. No. 55, "A joint resolution for the relief of Wm. C. Fleming,"

Would report that they have had the same under consideration and report it back and recommend its passage.

Report adopted,

And the bill ordered engrossed and read the third time to-morrow.

Message from the House:

HOUSE OF REPRESENTATIVES,
Omaha, January 4th, 1861. }

Mr. President:

I am instructed to inform your honorable body that the House have passed

H. F. No. 29, "A bill for an act to regulate the manner of assessing real estate."

H. F. No 73, "A bill for an act to allow the funding of the indebtedness of the Territory."

H. F. No. 120, "A memorial and joint resolution relative to a mail route."

And,

H. F. No. 132, "A bill for an act to incorporate the Platte river bridge company."

And your concurrence therein is respectfully requested.

I also return your honorable body

C. B. No. 14, "A memorial and joint resolution asking the Congress of the United States for an appropriation to complete the Capitol of Nebraska and to build a penitentiary for the Territory."

C. B. No. 39, "A bill for an act to incorporate Omaha lodge No. 2, I. O. O. F."

C. B. No. 44, "A bill for an act to incorporate Table Rock seminary."

C. B. No. 54, "A bill for an act to amend an act entitled 'An act to authorize James H. McCardle to erect and keep a mill dam across the Great Papillion creek in Douglas county, N. T."

The same having passed the House witout amendment.

GEO. L. SEYBOLT, Chief Clerk.

C. B. No. 37, "Joint resolution and memorial relative to school lands in lieu of Half-breed lands."

Read the third time.

Passed and title agreed to.

The following report was submitted by the Judiciary Committee:

Your Committee to whom was referred

C. B. No. 43, entitled "A bill for an act to fix the times of holding the district court in the 1st judicial district,"

Beg leave to report the same back to the Council and recommend its passage. JOHN TAFFE, Chairman.

The bill was ordered engrossed for a third reading.

C. B. No. 8, "A bill for an act to regulate proceedings against insolvent corporations."

Read the third time.

Passed and title agreed to.

H. F. No. 119, "A bill for an act to vacate a part of Front street in the town of Beatrice, in Gage county, N. T."

Read the second time.

The following report from the Committee on Highways, Ferries and Bridges, was received and adopted:

Your Committee to whom was referred

H. F. No. 107, "A bill for an act to locate a territorial road from Nebraska city to New Fort Kearney, N. T."

And,

H. F. No. 116, "An act to locate a territorial road from Elkhorn, in Douglas county, to Fontenelle, in Washington county."

Have had the same under consideration and beg leave to report them back and recommend their passage.

JOHN A. UNTHANK, Chairman.

Mr. Thayer moved that the Council do not recede from their amendments to

H. F. No. 2, "A bill regulating the fees and salaries of certain officers."

Carried.

On motion of Mr. Thayer,

A committee of conference was appointed to act with a like committee on the part of the House in relation to said amendment.

Messrs. Thayer and Elbert were appointed said committee.

On motion,

Council took a recess until 3 o'clock.

Afternoon Session.

Council resumed business.

Upon motion of Mr. Elbert,

The Council went into the Committee of the Whole upon

C. B. No. 64, "A bill for an act providing for the settlement of estates of decedents and for other purposes."

Mr. Elbert in the chair.

After remaining some time therein the Committee arose.

Upon motion of Mr. Marquette,

Reported the bill back and recommended its passage.

Report adopted, and

On motion,

The bill was read a third time.

Passed and title agreed to.

Mr. Strickland, with leave, made the following report:

A majority of the Committee to whom was referred

C. B. No. 49, "A bill for an act regulating the time of commencing actions for the recovery of any debts, damages or personal property."

Report the same back and recommend its indefinite postponement.

Silas A. Strickland,
T. M. Marquette,
J. M. Thayer.

On motion,

The Council went into Committee of the Whole on the bill.

Mr. Tipton in the chair.

After remaining some time therein the committee rose, reported progress and asked leave to sit again.

Report adopted.

The following report from the Committee on Incorporations was received and

Adopted.

Your committee to whom was referred

H. F. No. 79, entitled "Memorial relative to a tri-weekly mail service between Columbus and Fort Kearney,"

Have had the same under consideration and report it back and recommend its passage,

E. S. Dundy,
John Taffe.

The bill passed and title agreed to.

The following report was received and

Adopted.

Your select committee to whom was referred

C. B. No. 62, entitled "A bill for an act requiring defendants to pay the fees of filing and entering transcripts of judgments of justices of the peace,"

Also,

"A bill for an act to authorize holding special terms of the district court in certain cases,"

Have had the same under consideration and report them back without amendment and recommend their passage.

E. S. Dundy,
Samuel H. Elbert,
John B. Bennett.

H. F. No. 120, "Memorial and joint resolution relative to a mail route."

Read first time, and

On motion,

Rules suspended, read second and third times by its title,

Passed and title agreed to.

H. F. No. 29, "An act to regulate the manner of assessing real estate."

Read first time.

H. F. No. 73, "A bill for an act to allow the funding of the indebtedness of the Territory.

Read first time.

C. B. No. 63, "A bill for an act authorizing the holding of special terms of the district court in certain cases."

Read third time.

Passed and title agreed to.

The following report was received and adopted:

Your select committee to whom was referred

C. B. No. 70, "A joint resolution and memorial relative to a bridge across the Platte river, and for other purposes,"

Having had the same under consideration would respectfully report the same back to the Council and recommend its passage.

S. A. Strickland,
T. M. Marquette,
Samuel H. Elbert.

The following report from the Committee on Highways, Ferries and Bridges was received and adopted:

Your committee to whom was referred

H. F. No. 110, "A bill for an act to locate and establish a territorial road from Weeping Water falls, Cass county, to Salt Creek crossing in Lancaster county,"

Have had the same under consideration and beg leave to report it back to the Council and recommend its passage.

John A. Unthank, Chairman.

On motion,

The bill was read a third time.

Passed and title agreed to.

Mr. Dundy introduced

C. B. No. 69, " Joint resolution to pay Joseph J. Unthank for his services as page of the Council."

Read first time, and

On motion,

Rules suspended, read second and third time by its title.

Passed and title agreed to.

H. F. No. 132, " A bill for an act to incorporate the Platte river bridge company."

Read first time, and

On motion,

Rules suspended, read second time by its title, and referred to Committee on Highways, Ferries and Bridges.

The Committee on Engrossed and Enrolled Bills submitted the following report:

Your committee beg leave to report

C. B. No. 43, "A bill for an act to fix the times of holding the district court in the first judicial district;"

And,

"A joint resolution for the relief of Wm. C. Fleming,"

As correctly engrossed.

J. M. THAYER,
D. D. BELDEN.

C. B. No. 55, "Joint resolution for the relief of Wm. C. Fleming."

Read the third time and put upon its passage.

Upon which the ayes and nays were demanded.

Ayes—Messrs. Belden, Bennett, Goss, Little, Strickland, Tipton, Taffe and Thayer.—8.

Nays—Messrs. Marquette and Mr. President.—2.

Passed and title agreed to.

The following report from the special committee consisting of the members from Douglas county was submitted:

Your special committee to whom was referred

H. F. No. 83, entitled "An act to authorize Eliza K. Mitchell and Alexander Hunter to keep a mill dam across Mill creek, at Florence, Douglas county, Nebraska,"

Have had the same under consideration, and beg leave to report the same back without amendment and recommend its passage.

D. D. BELDEN,
J. M. THAYER,
WM. A. LITTLE.

Mr. Little introduced

C. B. No. 70, "An act to confirm the title of John McConihe and W. Thomas Clark to certain real estate in the city of Omaha, in the Territory of Nebraska."

H. F. No. 83, "An act to authorize Eliza K. Mitchell and Alexander Hunter to keep a mill dam across Mill creek in Florence, Douglas county, Nebraska."

Read the third time.

Passed and title agreed to.

The Committee on Incorporations, submitted the following report:

Your committee to whom was referred

H. B. No. —, entitled "A bill for an act to incorporate a seminary at Elkhorn city in Douglas county," Have had the same under consideration, and report it back without recommendation.

E. S. Dundy,
J. Taffe,
W. A. Little.

Mr. Little gave notice a bill for the relief of John McCormick, assignee of Messrs. King & Wood, on account of services rendered, and horses furnished in the Pawnee exhibition, in the year 1859.

On motion of Mr. Strickland,

The Council adjourned. E. P. Brewster, Chief Clerk.

Council Chamber,
Saturday, Jan. 5th, 1861.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

The following message received from the House:

House of Representatives.
Jan. 5, 1861.

Mr. President:

I am instructed to inform your honorable body that the House have passed

H. F. No. 39, "A bill for an act to define the powers and duties of county commissioners and county clerks."

H. F. Nos. 44 and 8, (substitute), "A bill for an act to provide for the valuation and assessment of real and personal property, and for the levying and collection of taxes in the Territory of Nebraska."

H. F. No. 109, "A bill for an act to grant extension of time to the Missouri and Pacific rail road company, and to increase the number of corporators."

H. F. No. 135, "A bill for an act to incorporate the Nemaha city hydraulic company in Nemaha county."

H. F. No. 137, "A bill for an act to authorize the county commissioners of Otoe county to pay off the indebtedness of the Otoe Agricultural Society."

H. F. No. 39, "A bill for an act to amend an act entitled 'An act to incorporate the town of Pawnee city,'" approved Nov. 4, 1858.

And ask your concurrence therein,

I also return you herewith

C. B. No. 10, "A bill to incorporate the Plattsmouth, Fort Kearney and Denver city rail road company,"

With certain amendments which are attached to the bill.

C. B. No. 30, "An act to incorporate the South Nebraska rail road company," With certain amendments which are attached thereto.

C. B. No. 45, "A bill for an act to provide for the publication and distribution of the laws of the Territory,"

With certain amendments attached thereto, and respectfully ask your concurrence therein. G. L. Seybolt, Chief Clerk.

Mr. Marquette, chairman of the committee, reported as follows:

Mr. President:

Your committee to whom was referred

H. F. No. 79, "A memorial relative to a tri-weekly mail route between Columbus and Fort Kearney,"

Having had the same under consideration would with the following amendment recommend its passage, to wit: after the word "Columbus" in the second section insert " via Monroe and Genoa," all of which is respectfully submitted. T. M. Marquette.

Adopted.

Mr. Belden introduced,

C. B. No. 71, "An act authorizing HadleyD. Johnson to establish a ferry across the North Fork of the Platte river."

Read first time.

Mr. Marquette introduced,

C. B. No. 72, "A bill for an act to confirm the title of real estate in Nebraska city."

Also,

C. B. No. 73, "A bill for an act to locate a territorial road in Cass county, N. T."

Read first time.

Mr. Dundy introduced

C. B. No. 74, "A bill for an act to amend an act entitled 'An act to license and regulate the sale of malt, spiritous and vinous liquors in the Territory of Nebraska,'" approved Nov. 4, 1858.

Read first time.

Mr. Strickland gave notice

Of a bill to confirm the title to certain real estate in the city of Bellevue and for other purposes.

C. B. No. 72, " A bill for an act to confirm the title to certain real estate in Nebraska city."

Read the first time.

Rules suspended, read a second time, and referred to committee consisting of

Messrs. Bennett, Marquette and Dundy.

C. B. No. 70, " An act to confirm the title of John McConihe and Wm. Thomas Clark to certain real estate in the city of Omaha in the Territory of Nebraska."

Read the first time.

Read second and third time.

Passed and title agreed to.

C. B. No. 73, "A bill for an act to vacate a territorial road from in Cass county, N. T."

Read the first time.

Rules suspended, read second and third time.

Passed and title agreed to.

C. B. No. 68, "A bill for an act to amend an act entitled 'An act to authorize E. P. Stout and associates to keep a ferry across the Missouri river at De Soto."

Read the first time.

H. F. No. 109, "An act to grant extension of time to the Missouri and Pacific rail road company, and to increase the number of the corporators."

Read the first time.

Rules suspended, read a second time, referred to select committee consisting of

Messrs. Marquette, Elbert and Taffe.

H. F. No. 39, "A bill for an act to define the powers of county commissioners and county clerks,"

Read the first time.

Rules suspended, read a second time and made the special order of the day at 2 P. M.

H. F. No. 44, "A bill for an act to provide for the valuation and assessment of the real and personal property and for the levying and collection of taxes in the Territory of Nebraska."

Read the first time.

Rules suspended, read a second time.

On motion,

Made the special order of the day for Monday next.

C. B. No. 45, "A bill for an act to provide for the publication and distribution of the laws of the Territory,"

Returned from the House amended.

Upon the question, "Shall the Council concur in the amendments?"

The ayes and nays were demanded:

Ayes—Messrs. Dundy, Elbert, Marquette, Taffe, Tipton, Unthank and Mr. President.—7.

Nays—Messrs. Belden, Bennett, Goss, Little, Strickland and Thayer.—6.

Amendments concurred in.

The following report received from the Committee on Enrolled Bills:

The Committee on Enrolled Bills beg leave to report that they have presented to the Executive for his signature:

"An act to vacate a part of the town plat of the town of Fremont, Dodge county;"

Also,

"An act to incorporate Table Rock seminary;"

Also,

"An act to amend 'An act to authorize James H. McCardle to erect and keep a mill dam across the Great Pappillion creek, in Douglas county, N. T."

The Committee have also presented to the Governor for his approval the following bills:

"An act to incorporate Omaha lodge No. 2, I. O. of O. F.

"Joint resolution and memorial praying for an appropriation to complete the Capitol building and to build a penitentiary."

J. M. THAYER,
D. D. BELDEN.

H. F. No. 39, "A bill to amend an act entitled 'An act to amend an act entitled an act to incorporate the town of Pawnee city," approved Nov. 4th, 1858."

Read the first time.

Rules suspended; read a second and third time.

Passed and title agreed to.

H. F. No. 137, "A bill for an act to authorize the county commissioners of Otoe county to pay off the indebtedness of the Otoe county agricultural society."

Read the first time.

Rules suspended; read a second and third time.

Passed and title agreed to.

Mr. Little introduced

C. B. No. 76, "A bill for an act for the relief of John McCormick, assignee of King & Wood."

Read a first and second time under suspension of rules, and referred to a select committee consisting of Messrs. Strickland, Thayer and Little.

Council concurred in amendments made by the House to

C. B. No. 30, "A bill to incorporate the South Nebraska rail road company."

H. F. No. 95, "A bill for an act to legalize territorial taxes heretofore assessed."

Read a second and third time.

Passed and title agreed to.

Council concurred in amendments made by the House to

C. B. No. 10, "An act to incorporate the Plattsmouth, Fort Kearney and Denver city rail road company."

H. F. No. 73, "An act relative to homesteads."

Read second time and ordered printed, and made special order for Monday.

The following message received from the Executive:

EXECUTIVE CHAMBER,
Jan. 5th, 1861.

Mr. President:

And Gentlemen of the Council:

The Governor directs me to inform your honorable body that he has signed and approved the following bills:

"A bill for an act to incorporate the Baptist church of Cuming city."

"An act to incorporate Omaha lodge No. 2, I. O. of O. F."

Joint resolution and memorial praying for an appropriation to complete the Capitol building and to build a penitentiary.

"An act to amend an act to authorize James H. McCardle to erect and keep a mill dam across the Great Pappilion creek in Douglas county, N. T."

JOHN McCONIHE,
Private Secretary.

H. F. No. 29, "An act to regulate the manner of assessing real estate."

Read the first time.

Rules suspended.

Read a second and third time.

And,

On motion of Mr. Belden,

Made special order for Monday in Committee of the Whole.

C. B. No. 65, "An act to appoint and commission the officers of Morton county."

Indefinitely postponed.

H. F. No. 135, "An act to incorporate the Nemaha city hydraulic company in Nemaha county."

Read the first time.

H. F. No. 49, "A bill for an act to confirm the title of Thomas Martin and J. H. Coriell to certain real estate in the city of Omaha."

Read the second time.

Rules suspended.

Read a third time.

Passed and title agreed to.

C. B. No. 67, "A bill providing for the repeal of poll tax."

Read first and second time.

Referred to select committee, consisting of Messrs. Strickland, Elbert and Marquette.

H. F. No. 107, "A bill for an act to locate a territorial road from Nebraska city to New Fort Kearney city."

Read a third time.

Passed and title agreed to.

H. F. No. 119, "A bill for an act to vacate a part of Front street in the town of Beatrice, in Gage county."

Read third time.

Passed and title agreed to.

The committee of conference on H. F. 2, made the following report:

Mr. President:

The committee of conference to whom was referred the matters of disagreement between the Council and House of Representatives concerning

H. F. No. 2, "A bill for an act to regulate the fees and salaries of certain officers."

Have had the same under consideration and beg leave to report that they have agreed upon instead of section 2, the following sec. as a substitute, to wit:

Sec. 2. That the salary of the Territorial Auditor shall be $600 per annum. The salary of the Territorial Treasurer shall be $200 per annum. The salary of the Territorial Librarian shall be $200 per annum. The salary of the Territorial School Commissioner shall be $600 per annum, to be paid quarterly out of the Territorial Treasury, upon the warrant of the Auditor. Instead of the word "convicted" in sec. 30 insert the words "condemned or convicted."

J. M. Thayer, Chairman.
W. H. Lockwood,
S. H. Elbert,
H. P. Downs.

Mr. Tipton moved the adoption of the report.

Ayes and nays demanded:

Ayes—Messrs. Belden, Bennett, Dundy, Elbert, Goss, Marquette, Strickland Thayer, Tipton, Unthank, Mr. President.—11.

Nays—Messrs. Little and Taffe.—2.

Carried.

Mr. President:

The Committee on Incorporations to whom was referred

C. B. No. 34, "An act to incorporate the Pacific telegraph company,"

Have had the same under consideration and report it back without recommendation.

E. S. Dundy,
John Taffe.

Mr. Dundy introduced

C. B. No. 77, "A bill for an act to incorporate the Nemaha agricultural society of Richardson county.

Read first and second time.

Referred to Committee on Agriculture.

The Committee on Counties to whom was referred

H. F. Nos. 63 and 88, entitled "A bill for an act to locate and establish a territorial road from Dakota city to Fort Kearney,"

And

"A bill for an act to legalize the organization of Cuming county,"

Have had the same under consideration and beg leave to report No. 88 back to the Council without amendment, and recommend its passage.

Also,

No. 63, with the following amendments: strike out 9th line of the first section "at Dakota city," and add to the last line of said section the words: "or to some intermediate point," with the recommendation that it pass.

JOHN TAFFE,
T. W. TIPTON,
WM. LITTLE.

Report adopted.

Mr. Unthank made a report upon H. F. No. 132.

Laid over under the rule.

Mr. Belden introduced

C. B. No. 78, "A bill for an act to exempt the property of Margaret Cumming from taxation."

H. F. No. 116, "An act to locate a territorial road from Elkhorn city to Fontenelle."

Read third time.

Passed and title agreed to.

H. F. No. 22, "A bill for an act for the location of the county seat of Cass county by a vote of the people."

Read a third time.

Passed and title agreed to.

Mr. Little introduced

C. B. No. 79, "A bill for an act supplemental to 'An act to incorporate the city of Rulo;'" approved November 1st, 1858.

Read the first time.

Rules suspended, read a second time and referred to Committee on Incorporations.

C. B. No. 76, "An act for the relief of John McCormick, assignee of King & Wood."

Read second time and referred to a select committee consisting of

Messrs. Strickland, Thayer and Little.

Mr. President:

The Committee on Incorporations to whom was referred

C. B. No. 51, "A bill to incorporate the Brownville, Nemaha valley, Fort Kearney and Denver city rail road company,"

Have had the same under consideration and report it back without recommendation.

E. S. DUNDY,
JOHN TAFFE.

On motion,

Council took a recess till 6 o'clock.

Council met.

President in the chair.

Mr. Strickland moved that

H. F. No. 3, "An act to prohibit slavery in Nebraska."

Be passed, the Governor's veto to the contrary notwithstanding.

The ayes and nays demanded.

Ayes—Messrs. Dundy, Elbert, Goss, Marquette, Strickland, Taffe, Tipton, Thayer, Unthank and Mr. Speaker.—10.
Nays—Messrs. Belden, Bennett and Little.—3.

Passed.
On motion,
Council adjourned. E. P. Brewster, Chief Clerk.

Council Chamber,
Monday, Jan. 7th, 1861.

Council met pursuant to adjournment.
President in the chair.
Prayer by the Chaplain.
Journal read.
The following message was received from the House:

House of Representatives,
Jan. 7th, 1861.

Mr. President:

I am instructed to inform your honorable body that the House have passed:

H. F. No. 20, "A bill for an act to authorize Felix Kitch, A. P. Forney and Joshua Murray to keep a ferry across the Missouri river at Rulo,"

H. F. No. 22, "A bill for an act to incorporate the Missouri and Western telegraph company,"

H. F. No. 55, "An act to consolidate the offices of register of deeds and county clerk of Sarpy county,".

H. F. No. 84, "A bill for an act to legalize certain elections of county officers in Hall county,"

H. F. No. 103, "An act to legalize the acts of the county commissioners of Dixon county,".

H. F. No. 114 (substitute), "An act to locate a territorial road from Table Rock to Nebraska city,"

H. F. No. 133, "Joint resolution for the payment of the Enrolling and Engrossing Clerks,"

H. F. No. 138, "An act to incorporate the Second Presbyterian church of Omaha,"

H. F. No. 123, "An act to locate and establish a territorial road from Fontenelle in Washington county to the northern boundary of said county,"

H. F. No. 124, "An act to authorize Jno. A. Burbank to erect a mill dam across the Great Nemaha river,"

H. F. No. 75, "Joint resolution and memorial relative to certain lands claimed by the War Department, known as the Fort Kearney reservation,"

H. F. No. 50, "A bill for an act to create the office of precinct assessor,"

H. F. No. 91, "A bill for an act to amend the code of civil procedure,"

H. F. No. 125, A bill for an act to locate a territorial road from Ponca, via Ionia to North Bend,"

H. F. No. 136, "A bill for an act to authorize the election of supervisor of roads in and for the county of Sarpy, Nebraska Territory," approved Jan. 2d, 1860.

H. F. No. 144, "A bill for an act to provide for the distribution of the arms belonging to this Territory, and for other purposes,"

And respectfully ask the concurrence of the Council therein,"

Also,

C. B. No. 11, "A bill for an act to authorize the erection of a mill dam across the Great Nemaha river,"

The same having passed the House without amendment.

C. B. No. 46, "A bill for an act to incorporate the Loup Fork bridge company,"

With an amendment which is attached to the bill and ask your concurrence thereto.

George L. Seybolt, Chief Clerk.

Mr. Bennett presented the following report:

Mr. President:

Your committee to whom was referred

C. B. No. 72, "A bill for an act to confirm the title to real estate in Nebraska city,"

Having had the same under consideration, beg leave to report the same back and recommend its passage.

J. B. Bennett,
T. M. Marquette.

Report adopted.

Mr. Marquette introduced

C. B. No. 80, "A bill for an act to repeal a certain law," approved January 13th, 1860.

C. B. No. 81, "A bill for an act to repeal the 7th section of an act entitled an act to exempt a homestead and certain articles of personal property from sale on execution."

Mr. Taylor introduced

C. B. No. 82, "A bill for an act to repeal an act to authorize the City Council of Nebraska city to reduce the width of Kansas street and to vacate certain alleys.

Rules suspended.

Read a first, second and third time.

Passed and title agreed to.

Mr. Elbert introduced

C. B. No. 83, "A bill for an act to incorporate Plattsmouth lodge No. 6, Ancient, Free and Accepted Masons."

Rules suspended, read first, second and third time.

Passed and title agreed to.

C. B. No. 81, "A bill for an act to repeal the seventh section of 'An act entitled an act to exempt a homestead and certain articles of personal property from forced sale on execution.'"

Rules suspended, read a first, second and third time.

Passed and title agreed to.

C. B. No. 80, "A bill for an act to repeal a certain law," approved January 13, 1860.

Rules suspended, read first, second and third time.

Passed and title agreed to.

H. F. No. 84, "A bill for an act to legalize certain elections of county officers in Hall county."

Read a first time.

H. F. No. 55, "An act to consolidate the offices of county clerk and register of deeds in Sarpy county."

Read a first time.

Rules suspended, read a second time and referred to committee of one, composed of

Mr. S. A. Strickland.

H. F. No. 103, "An act to legalize the acts of the county commissioners of Dixon county."

Read a first time.

Rules suspended, read a second and third time.

Passed and title agreed to.

On motion of Mr. Marquette,

Council resolved itself into Committee of the Whole upon

C. B. No. 9, "An act to amend the code of civil procedure,"

Mr. Marquette in the chair.

After remaining some time therein the committee arose and reported the bill back with the following amendments:

Strike out all of section 5; strike out in second line, section 9, the word, "in chancery," and insert "commissioners;" in same line strike out the letter "s" after the word "master;" amend section 10 to read "this act to take effect and be in force from and after the 1st day of February, 1861;" change section "6" to "5," "7" to "6," "8" to "9," "9" to "8," "10" to "9."

And recommend its passage.

Mr. Dundy moved that the report be

Adopted.

Lost.

Mr. Tipton moved that the public printer be directed to print upon the eighth page of the Governor's message, the action of the House and Council on the final passage of the bill prohibiting slavery in Nebraska, as certified by the clerks and signed by the presiding officer of the two bodies, and for the accomplishment of the same, that the messages delivered be returned to the printer.

Motion adopted.

H. F. No. 144, " A bill for an act to provide for the distribution of the arms belonging to the Territory and for other purposes."

Read a first and second and third time.

Passed and title agreed to.

H. F. No. 114, " An act to locate a territorial road from Table Rock to Nebraska city."

Rules suspended, read a first, second and third time.

Passed and title agreed to.

H. F. No. 50, " A bill for an act to create the office of precinct assessor."

Read a first time.

H. F. No. 133, " Joint resolution for the payment of enrolling and engrossing clerks."

Rules suspended, read a first, second and third time.

Passed and title agreed to.

H. F. No. 22, " A bill for an act to incorporate the Missouri and Western telegraph company."

Read first time.

The Committee on Enrolled Bills beg leave to report C. B. No. 11.

As correctly engrossed.

Also,

That they have presented to the Executive for his signature,

" An act to authorize the erection of a mill dam over the Great Nemaha river in Richardson county." J. M. Thayer.

On motion of Mr. Goss.

Council took a recess until ½ past 2 o'clock.

Afternoon Session.—2½ o'clock P. M.

Council met.

President in the chair.

Council resumed the consideration of

H. F. No. 39, "A bill for an act to define the power and duties of county clerks,"

And made the following amendments thereto:

Section 11, eighth line, strike out " amount " and insert " account."

Section 23, in third line insert " he " between the words " made and shall;" in fourth line strike out the word " double;" in fifth line strike out the words " transfer fee " and insert " ten dollars."

In section 50, strike out all after the word " advisable," in sixteenth line.

Bill, as amended,

Passed and title agreed to.

Council concurred in amendments made by the House to

C. B. No. 46, "An act to incorporate the Loup Fork bridge company."

Mr. Belden introduced

C. B. No. 84, "A bill for an act to amend the charter of the city of Omaha."

Rules suspended; read first, second and third time.

Passed and title agreed to.

Mr. Taffe introduced

C. B. No. 85, "A bill for an act to provide for the publication of the decisions of the supreme court."

Rules suspended; bill read first, second and third time.

Passed and title agreed to.

Mr. Taffe introduced

C. B. No. 86, "A bill for an act to establish a ferry at St. Johns.

Rules suspended; read a first and second time; referred to Committee on Incorporations.

Message from the House:

House of Representatives,
Jan. 7th, 1860.

Mr. President:

I am instructed to inform your honorable body that the House have passed:

H. F. No. 144, "A bill for an act to authorize E. Hicks Clark and J. P. Andrews to keep a ferry across the Missouri river at Fort Calhoun."

H. F. No. 40, "A bill for an act to restrain sheep and swine from running at large in the limits of Pawnee county."

H. F. No. 146, "A bill for an act to restrain swine from running at large in the counties of Clay and Johnson."

H. F. No. 150, "A bill for an act to restrain sheep and swine from running at large in Richardson county,"

H. F. No. 154, "A bill for an act to restrain sheep, cattle, horses and swine from running at large in Richland and Fontenelle precincts, in Washington county."

H. F. No. 156, "A bill for an act to amend the criminal code."

H. F. No. 151, "A bill for an act to incorporate the Plattsmouth, Oreapolis and Denver city express freighting company."

H. F. No. 148, "A bill for an act to authorize James Spratlan and Abraham Roberts to keep a ferry across the Missouri river at Rock Bluffs"

H. F. No. 147, "A bill for an act supplementary to an act, amendatory of an act entitled 'An act to regulate the distribution of the laws and journals of Nebraska Territory and for other purposes."

"Joint resolution for the election of certain officers."

And ask your concurrence therein.

I also return you herewith

C. B. No. 3, "An act to dissolve the bonds of matrimony between Wm. H. Lyman and Juliette Lyman."

C. B. No. 37, "Joint resolution and memorial relative to school lands in lieu of Half-breed lands."

C. B. No. 43, "A bill for an act to fix the times of holding of special terms of the district courts in certain cases."

C. B. No. 63, "A bill for an act authorizing the holding of special terms of the district court in certain cases."

C. B. No. 73, "A bill for an act to vacate a territorial road in Cass county."

The same having passed the House without amendment.

I also return you herewith

C. B. No. 74, "A bill for an act to amend an act entitled 'An act to license and regulate the sale of malt, spiritous and vinous liquors in the Territory of Nebraska,' approved November 4th, 1858,

With certain amendments which are attached thereto and respectfully ask your concurrence therein. Geo. L. Seybolt, Chief Clerk.

On motion of Mr. Thayer,

The Enrolling and Engrossing Clerk was authorized to procure such assistance as he may need.

On motion of Mr. Marquette,

The Council resolved itself into a Committee of the Whole upon

C. B. Nos. 44 and 8, "A bill providing for the valuation of real and personal property, and the levying and collection of taxes in the Territory of Nebraska."

Mr. Strickland in the chair.

The committee arose, reported the bill back with the following amendments and recommended its passage.

In sec. 26, in last line strike out the word "three" and insert "one and a half." In sec. 30, in "sixteenth and seventeenth" lines strike out the words "not less than two mills nor more than four mills" and insert not more than "one mill."

The Committee on Enrolled Bills beg leave to report that they have presented to the Executive for his signature

"An act to authorize the erection of a mill dam over the Great Nemaha river in Richardson county. J. M. Thayer.

The Committee on Enrolled Bills report back C. B. No. 3, as correctly engrossed.

J. M. Thayer.
D. D. Belden.

Mr. Strickland, from select committee on C. B. No. 75, made the following report:

Mr. President:

A majority of your committee to whom was referred

C. B. No. 75, entitled "An act for the relief of John McCormick, assignee of King & Wood,"

Would report that they have had the same under consideration and upon proof taken before said committee upon oath do find the following facts:

That in 1859, at the request of the Governor of the Territory the company of King & Wood furnished for what is known as the Pawnee expedition, for this Territory, 19 horses for 20 days with saddles, harness and wagons, that $4 per day was agreed upon as the price for each horse, amounting to $1,500.

That two of said horses continued in the service thirty-three days longer, amounting to $132.

That seven of said horses died within two weeks after the return of the expedition and six more soon after, making in all thirteen horses that died. That said horses were worth one hundred and fifty dollars each, amounting to $1,950.

That King & Wood cash for expenses, $92.

That the damage to the 6 remaining horses was, $500.

That the damage to the business of the company from the loss of horses to cary on their lines was about $2,000.

That said King & Wood found a hand in said expedition and paid his expenses.

Upon this state of facts your committee would report the bill back to the Council without recommendation.

SILAS A. STRICKLAND,
J. M. THAYER.

Mr. Little from same committee made the following report:

Mr. President:

The minority of your committee to whom was referred

C. B. No. 75, " A bill for an act for the relief of John McCormick, assignee of King & Wood,"

Beg leave to submit the following report:

In the summer of 1859, the Pawnee Indians committed a series of depredations upon the property of settlers residing on the Elkhorn and Platte rivers, and compelled many of them to abandon their homes and seek protection in the towns on the Missouri. The Governor of the Territory being informed of the situation of affairs on the frontier, applied to Messrs. King & Wood (who were then engaged in the livery business) for horses, harness, wagons, and to fit out an expedition sufficiently formidable to drive said Indians from the white settlements and punish them for the outrages committed upon the settlers. In response to the request of the Governor, King & Wood furnished nineteen horses to go upon the expedition, thirteen of which died from injuries received while on said expedition, and others were seriously injured. In the opinion of the minority of your committee the actual loss sustained by King & Wood in consequence of the injuries to the horses and other property amount to the sum of about eighteen hundred dollars. The minority of your committee would further state that in his opinion the expense necessarily incurred by the Governor ought properly to be paid by the General government, but, inasmuch as the government has failed to pay this claim or make any remuneration for the losses sustained by the parties who like King & Wood contributed almost their entire property towards the outfitting of the expedition against the said Indians.

I think it would be a great hardship on these parties to ask them to contribute their entire property to the defence of the frontier, and then refuse to remunerate them for the same, so generously and promptly furnished, when the public safety so imperatively seemed to demand it.

The minority of your committee would therefore propose the following amendment:

In the sixth and seventh lines of the first section, strike out "four thousand five," and insert the words "eighteen hundred;"

And recommend the passage of the bill with the above amendment.

All of which is respectfully submitted. WM. A. LITTLE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
January 7th, 1861.

Mr. President:

I am instructed to inform your honorable body that the House have passed

H. F. No. 131, "A bill for an act to locate a territorial road from Omaha to Hazleton, in Sarpy county."

H. F. No. 158, "A bill for an act to incorporate the Chicago, Plattsmouth and Pike's Peak express company."

I also return you herewith,

C. B. No. 12, "A bill for an act to vacate the town of Archer, in Richardson county."

C. B. No. 8, "A bill for an act to regulate proceedings against insolvent corporations;"

Also,

C. B. No. 61, "A bill for an act to restore the rights of citizenship to Stephen G. Moran."

The same having passed the House without amendment.

GEO. L. SEYBOLT, Chief Clerk.

Mr. Taylor moved the indefinite postponement of

C. B. No. 76, "A bill for an act for the relief of John McCormick, assignee of King & Wood."

Ayes and nays demanded.

Ayes—Messrs. Dundy, Elbert, Marquette, Tipton and Mr. President.—5.

Nays—Messrs. Belden, Bennett, Goss, Little, Strickland, Taffe, Thayer, Unthank.—8.

Motion to postpone

Lost.

Mr. Strickland moved to take up C. B. No. 76.

Ayes and nays demanded.

Ayes—Messrs. Belden, Goss, Little, Strickland and Thayer.—5.

Nays—Messrs. Bennett, Dundy, Elbert, Marquette, Tipton and Mr. President.—6.

Lost.

Mr. Strickland moved to recommit to committee, with instructions to amend and report to-night.

Ayes and nays demanded.

Ayes—Messrs. Belden, Bennett, Goss, Little, Strickland, Taffe, Thayer and Unthank.—8.

Nays—Messrs. Dundy, Elbert, Marquette, Tipton and Mr. President. —5.

Carried.

H. F. No. 150, "A bill for an act to restrain sheep and swine from running at large in Richardson county."

Read a first time.

Rules suspended, read a second and third time.

Passed and title agreed to.

The following bills read a first, second and third time, under suspension of the rules, passed and titles agreed to.

H. F. No. 151, "An act to incorporate the Plattsmouth, Oreapolis and Denver city express freighting company."

H. F. No. 140, "A bill to restrain sheep and swine from running at large in the limits of Pawnee county."

H. F. No. 131, "A bill for an act to locate a territorial road from Omaha city to or near Hazleton in Sarpy county."

Read a first and second time.

Referred to select committee of one composed of

Mr. Strickland.

H. F. No. 91, "A bill for an act to amend the code of civil procedure.

Read a first time.

H. F. No. 75, * * * *

Read the first time.

Rules suspended, read a second and third time.

Passed and title agreed to,

H, F. No. 124, "An act to authorize John A. Burbank to erect a mill dam across the Great Nemaha river."

Read the first time.

H. F. No. 158, "An act to incorporate the Chicago, Plattsmouth and Pike's Peak express company.

Read the first time.

The Committee on Enrolled Bills report back as correctly enrolled the following bills:

"An act to fix the times of holding the district courts in the first judicial district.

Also,

"An act to incorporate the Loup Fork bridge company."

Also,

"An act to vacate the town of Archer, in Richardson county."

Also,

"An act to provide for the publication of the laws of the Territory of Nebraska."

"An act to incorporate the Plattsmouth, Fort Kearney and Denver city rail road company."

"An act to incorporate the South Nebraska rail road company."

As correctly enrolled.
J. M. THAYER,
D. D. BELDEN.

Mr. Strickland made a report on C. B. No. 75.

Laid over under the rule.

H. F. No. 154, "A bill for an act to restrain sheep, cattle and swine from running at large in Richland and Fontenelle precincts in Washington county."

Read the first time.

Rules suspended, read second and third time.

Passed and title agreed to.

H. F. No. 149, "A bill to authorize E. Hicks Clark to keep a ferry across the Missouri river at Fort Calhoun."

Read the first time.

Rules suspended, read a second and third time.

Passed and title agreed to.

H. F. No. 157, "Joint resolution for the election of certain officers."

Read first time.

On motion,

Rules suspended, and read second and third time.

Passed and title agreed to.

Mr. Unthank introduced,

C. B. No. 87, "An act to authorize the transcribing certain records and files in the office of the register and county clerks of Dodge county."

Read the first time.

Rules suspended read a second and third time.

Passed and title agreed to.

Mr. Elbert made a report upon H. F. No. 87.

Laid over under the rule.

H. F. No, 148, "A bill for an act to authorize James Spratlan and Abraham Roberts to keep a ferry across the Missouri river at Rock Bluffs."

Read the first time.

H. F. No. 146, "A bill for an act to restrain swine from running at large in the counties of Clay and Johnson."

Read the first time.

Rules suspended, read second and third time.

Passed and title agreed to.

Message from the Executive:

EXECUTIVE CHAMBER,
Jan. 7th, 1861.

Mr. President:

And Gentlemen of the Council:

I am instructed by the Governor to inform your honorable body that he has signed and approved the following bills:

"An act to authorize the erection of a mill over the Great Nemaha river in Richardson county."

"'An act to vacate a part of the town plat of the town of Fremont in Dodge county." JOHN McCONIHE,

Private Secretary.

H. F. No. 138, "An act to incorporate the Second Presbyterian church of Omaha."

Read the first time.

H. F. No. 20, "A bill to authorize Felix Kitch and A. P. Forney to keep a mill dam across the Missouri river at Rulo."

Read the first time.

H. F. No. 125, "An act to locate a territorial road from Ponca via. Ionia to North Bend.

Read the first time.

H. F. No. 136, "An act to amend an act entitled an act to authorize the election of road supervisors in and for the county of Sarpy, Nebraska Territory," approved January 12th, 1860.

Read the first and second time, and referred to a select committee, consisting of

Messrs. Goss and Strickland.

H. F. No. 123, "An act to locate and establish a territorial road from Fontenelle in Washington county to the northern boundary of said county.

Read the first time.

Rules suspended, read a second and third time.

Passed and title agreed to.

H. F. No. 126, "A bill for an act to amend an act entitled 'An act to authorize the election of road supervisors in Sarpy county,' " approved January 12th, 1860.

Read the first time.

Rules suspended, read a second time and referred to committee consisting of

Messrs. Goss and Strickland.

H. F. No. 147, "A bill for an act supplementary to and amendatory of an act entitled 'An act to regulate the distribution of the laws and journals of Nebraska Territory and for other purposes.' "

Read first time.

Rules suspended, read a second time and referred to select committee, consisting of

Messrs. Marquette, Strickland and Tipton.

C. B. No. 74, returned from the House amended.

Mr. Taylor moved that the Council do not concur in the amendment. Carried.

Mr. Taylor moved the indefinite postponement of

C. B. No. 78, "A bill for an act to exempt the property of Margaret Cumming from taxation."

Ayes and nays demanded:

Ayes—Messrs. Bennett, Dundy, Little, Marquette, Tipton, Unthank and Mr. President.—7.

Nays—Messrs. Belden, Elbert, Goss and Taffe.—4.

Carried.

C. B. No. 68, "A bill for an act to amend an act entitled 'An act to authorize E. P. Stout to run a ferry across the Missouri river at De Soto.'"

Read the second time.

C. B. No. 71, "An act to authorize Hadley D. Johnson to establish a ferry across the north fork of the Platte river."

Read second time.

On motion,

Rules suspended, and read third time by title.

Passed and title agreed to.

C. B. No. 70, "An act to confirm the title of John McConihe and William Thomas Clark to certain real estate in the city of Omaha, Territory of Nebraska."

Read second time.

Rules suspended.

Read third time.

Passed and title agreed to.

On motion of Mr. Taylor

C. B. No. 75, "A bill for an act to abolish capital punishment,"

Was indefinitely postponed.

Mr. Dundy moved to reconsider the vote by which the bill to abolish the office of Territorial Librarian was lost.

Ayes and nays demanded.

Ayes—Messrs. Dundy, Elbert, Marquette, Strickland, Tipton, Unthank and Mr. President.—7.

Nays—Messrs. Belden, Bennett, Goss, Little, Taffe and Thayer.—6.

Motion to reconsider

Carried.

Mr. Goss moved the bill be recommitted to the Library Committee to report back with certain amendments.

Carried.

On motion,

Council adjourned. E. P. Brewster, Chief Clerk.

COUNCIL CHAMBER,
Tuesday, Jan. 8th, 1861.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

The Committee on Engrossed and Enrolled Bills reported that they had presented to the Executive for his approval

"An act to incorporate the South Nebraska rail road company."

"An act to provide for the publication of the laws of the Territory of Nebraska."

"An act to incorporate the Plattsmouth, Fort Kearney and Denver city rail road company."

"An act to dissolve the bonds of matrimony between William H. Lyman and Juliette Lyman."

"An act to fix the time of holding the district court in the first judicial district,"

And,

"An act to vacate the town of Archer in Richardson county."

J. M. THAYER,
D. D. BELDEN.

Mr. Marquette presented a petition of certain citizens of Cass county for a ferry charter.

Referred to the Committee on Incorporations.

The following report was received and adopted:

Your select committee to whom was referred

H. F. No. 94, entitled "An act to locate a territorial road from St. Johns to Ionia, Nebraska Territory,"

Have had the same under consideration and beg leave to report it back to the Council without amendment and recommend its passage.

JOHN TAFFE,
T. W. TIPTON,
J. M. THAYER.

The following report from the Committee on Agriculture was received and adopted:

Your committee to whom was referred

C. B. No. 77, "A bill for an act to incorporate the Nemaha agricultural society of Richardson county,"

Have had the same under consideration and beg leave to report it back and recommend its passage.

JOHN A. UNTHANK, Chairman.

Mr. Dundy, from the Committee on Agriculture, submitted a report upon C. B. No. 79.

Laid over under the rule.

Mr. Dundy introduced

C. B. No. 90, "Joint resolution for the election of public printer."

Read first time.

Mr. Strickland, from select committee, submitted the following report, which was adopted:

Your select committee to whom was referred

H. F. No. 131, "A bill for an act to locate a territorial road from Omaha city to Hazleton, in Sarpy county,"

Have had the same under consideration and would respectfully report the same back to the Council and recommend its passage.

SILAS A. STRICKLAND.

H. F. No. 131, "A bill for an act to locate a territorial road from Omaha city to or near Hazleton in Sarpy county."

Read the third time.

Passed and title agreed to.

The following report was received and adopted:

Your committee, to whom was referred

H. F. No. 109, "A bill for an act to grant an extension of time to the Missouri and Pacific rail road company and to increase the number of the corporators,"

Having had the same under consideration beg leave to report it back to the Council and recommend its passage.

T. M. MARQETTE,
JOHN TAFFE,
SAMUEL H. ELBERT.

H. F. No. 109, "A bill for an act to grant an extension of time to the Missouri and Pacific rail road company, and to increase the number of the corporators."

Read third time.

Passed and title agreed to.

The following report was received and adopted:

Your committee to whom was referred

H. F. No. 100, "A bill for an act for the location of a territorial road in Cass county,"

Have had the same under consideration, and beg leave to report it back to the Council and recommend its passage.

T. M. MARQUETTE,
T. W. TIPTON,
J. A. UNTHANK.

H. F. No. 100, "A bill for an act for the relocation of a territorial road in Cass county."

Read a third time.

Passed and title agreed to.

Mr. Tipton offered the following resolution:

Resolved, That the Committee on Judiciary be requested to report upon the expediency of passing an act protecting persons in the rights guaranteed them by former divorces by the Nebraska legislature.

Mr. Dundy introduced

C. B. No. 92, "A bill for an act to repeal an act requiring marriage licenses to be issued."

Mr. Elbert introduced

C. B. No. 93, "A bill for an act to amend 'An act to incorporate the city of Plattsmouth," approved March 14th, 1855.

The following report from the special committee, consisting of the members of Sarpy county, was received and adopted:

Your Committee to whom was referred

H. F. No. 136, "A bill for an act to amend an act entitled 'An act to authorize the election of supervisors of roads in and for the county of Sarpy, Nebraska Territory," approved January 12th, 1860.

Having had the same under consideration beg leave to report it back with the following amendments:

Amend section seven (7) so as to read as follows,

Sec. 7. The county commissioners shall have power to alter and arrange the road districts in said county, whenever the interests of the county demand the same: *Provided*, That no road district shall be embraced within two or more election precincts.

JOHN Q. GOSS,
S. A. STRICKLAND.

On motion,

The committee appointed to investigate the matter of the loss of evidence in the Fleming and Dundy contested case, were required to report to day.

C. B. No. 92, "A bill to repeal certain acts requiring marriage licenses to be issued."

Read a first time, and

On motion,

Rules suspended; read a second and third time by its title and put upon its passage.

Lost.

Mr. Strickland reported back H. F. No. 55, with the following amendments, and recommended its passage:

Amend section three (3) so as to read as follows:

Section 3. Said officer shall receive for his services the fees allowed by law to registers of deeds, and in addition thereto an annual salary of not less than twenty-five nor more than two hundred dollars, at the discretion of the county commissioners and payable out of the county treasury on their order.

Report adopted.

Message from the House:

HOUSE OF REPRESENTATIVES,
Omaha, January 8th, 1861.

Mr. President:

I am instructed to inform your honorable body that the House have passed

H. F. No. 86, "A bill for an act changing the southern and western boundary of Platte county."

H. F. No. 97, "A bill for an act to regulate the disposal of the road fund and to further define the duties of supervisors."

H. F. No. 160, "A bill for an act to vacate the town of Hudson, in Washington and Burt counties,"

And respectfully ask your concurrence therein.

I also return you herewith:

C. B. No. 80, "A bill for an act to repeal a certain law," approved January 13, 1860.

C. B. No. 83, "A bill for an act to incorporate Plattsmouth lodge No. 6, A. F. and A. M.,"

The same having passed the House without amendment.

I am also instructed to inform your honorable body that the House have passed:

C. B. No. 5, "A bill for an act to authorize Randall A. Brown and John A. Unthank to establish a bridge and ferry across the north fork of the Platte river."

With certain amendments which are attached to the bill, and ask your concurrence therein.

I am also instructed to inform your honorable body that the House have concurred in the amendments proposed by the Council to

H. F. No. 2, "A bill for an act regulating the fees and salaries of certain officers."

Also in the amendments to

H. F. No. 39, "A bill for an act to define the powers and duties of county commissioners and county clerks."

GEO. L. SEYBOLT, Chief Clerk.

C. B. No. 93, "A bill for an act to amend 'An act to incorporate the city of Plattsmouth,'" approved March 14th, 1855.

Read the first time, and

On motion,

Rules suspended, read a second and third time by its title.

Passed and title agreed to.

On motion of Mr. Marquette,

The Council resolved itself into Committee of the Whole upon

H. F. No. 50, "A bill for an act to create the office of precinct assessor."

Mr. Dundy in the chair.

After remaining some time therein the committee arose and submitted the following report:

The Committee of the Whole to whom was referred

H. F. No. 50, entitled "A bill for an act to create the office of precinct assessor,"

Have had the same under consideration, and instructed me to report the same back to the Council with the following amendments to the first section:

In sixth line, strike out the words "*in each precinct*," and in the seventh line, the words "*for each precinct*" and insert in the seventh line "*county*;" and with recommendation that the bill be referred to Committee on Expenditures with instructions to so amend the bill as to make it consistent with the first section of the bill.

E. S. DUNDY.

Mr. Dundy moved the adoption of the report.

Upon which the ayes and nays were had follows:

Ayes—Messrs. Belden, Bennett, Elbert, Little, Thayer, Tipton and Unthank.—7.

Nays—Messrs. Dundy, Goss, Marquette, Taffe and Mr. President.—5.

Carried.

Mr. Dundy, moved to indefinitely postpone

C. B. No. 34, "A bill for an act to incorporate the Pacific telegraph company,"

Ayes and nays demanded.

Ayes—Messrs. Dundy, Elbert, and Mr. President.—3.

Nays—Messrs. Belden, Bennett, Goss, Little, Strickland, Taffe, Thayer, Tipton and Unthank.—9.

Lost.

On motion,

The bill was read a third time.

The ayes and nays were demanded upon its passage.

Ayes—Messrs. Belden, Bennett, Goss, Little, Strickland, Taffe, Thayer, Tipton and Unthank.—9.

Nays—Messrs. Dundy, Elbert and Mr. President.—3.

Bill passed and title agreed to.

H. F. No. 97, "A bill for an act to regulate the disposal of the road fund and define the duties of supervisors."

Read second time and referred to the Committee on Highways, Ferries and Bridges.

The Committee on Engrossed and Enrolled Bills beg leave to report the following acts as correctly engrossed:

"An act to authorize holding special terms of the district courts in certain cases."

"An act to restore the right of citizenship to Stephen G. Moran."

"An act to vacate a territorial road in Cass county."

"Joint resolution and memorial relative to school lands in lieu of Half-breed lands."

"An act to regulate the proceedings against insolvent corporations."

J. M. Thayer,
D. D. Belden.

H. F. No. 22, "A bill for an act to incorporate the Missouri and Western telegraph company."

Taken up.

Mr. Little moved that it be read a third time and put upon its passage.

Upon which the ayes and nays were demanded:

Ayes—Messrs. Belden, Bennett, Goss, Little, Strickland, Taffe, Thayer, Tipton and Unthank.—10.

Nays—Messrs. Dundy, Marquette and Mr. President.—3.

Bill passed and title agreed to.

H. F. No. 91, "A bill for an act to amend the code of civil procedure."

Read a first time.

Mr. Little moved to refer it to a select committee.

Lost.

H. F. No. 135, "An act to incorporate the Nemaha city hydraulic company, in Nemaha county."

Read a second time, and

On motion,

Rules suspended, read a third time by its title.

Passed and title agreed to.

H. F. No, 160, "An act to vacate the town of Hudson, in Washington and Burt counties."

Read first time, and

On motion,

Rules suspended, read second and third time by its title.

Passed and title agreed to.

H. F. No. 136, "A bill for an act to incorporate the Second Presbyerian church of Omaha."

Read first time.

H. F. No. 158, "A bill for an act to incorporate the Chicago, Plattsmouth and Pike's Peak express company."

Read a second time.

H. F. No. 186, "A bill for an act to exempt a certain amount of property."

Read a first time.

H. F. No. 148, "A bill for an act to authorize James Spratlan and Abraham Roberts to keep a ferry across the Missouri river at Rock Bluffs."

Read a second time, and referred to Committee on Incorporations.

H. F. No. 124, "A bill for an act to authorize John A. Burbank to erect a mill dam across the Great Nemaha river."

Read a second time.

H. F. No. 84, "A bill for an act to legalize certain elections of county officers in Hall county."

Read a second time.

H. F. No. 125, "A bill for an act to locate a territorial road from Ponca via Ionia to North Bend."

Read a second time, and

On motion,

Rules suspended.

Read a third time by its title.

Passed and title agreed to.

H. F. No. 156, "A bill for an act to amend the criminal code,"

Taken up, and

On motion of Mr. Taffe,

Indefinitely postponed.

H. F. No. 20, "A bill for an act to authorize Felix Kitch and A. P. Forney to keep a ferry across the Missouri river at Rulo."

Read a second time.

On the question, shall the Council concur in the amendments made to

C. B. No. 5, "A bill for an act to authorize Randall A. Brown and others to keep a ferry across the north fork of the Platte river,"

The Council voted to concur therein.

The following report from special committee received and adopted:

Your committee to whom was referred

C. B. No. 86, "A bill for an act to establish a ferry at St. John's in Dakota county,"

Having had the same under consideration, have instructed me to report it back to the Council without amendment, and recommend its passage. JOHN TAFFE, Chairman.

H. F. No. 86, "A bill for an act changing the southern and western boundaries of Platte county."

Read a first time.

C. B. No. 86, "A bill for an act to establish a ferry at St. John's in Dakota county."

Read a third time.

Passed and title agreed to.

Mr. Taylor, moved that a select committee of three be appointed by the Chair to investigate the whole subject matter of the application of Messrs. King & Wood for pay for stock lost in the Pawnee war, and that said committee have power to send for persons and papers and examine persons under oath, and that said committee report to-morrow.

Mr. Little moved to lay the motion on the table.

Upon which the ayes and nays were had as follows:

Ayes—Messrs. Belden, Bennett, Goss, Little, Strickland, Thayer, and Unthank.—7.

Nays—Messrs. Dundy, Marquette, Taffe and Mr. President.—4.

Carried.

Message from the House:

House of Representatives,
Omaha, Jan. 8th, 1861.

Mr. President:

I am instructed to inform your honorable body that the House have passed

H. F. No. 42, "A bill for an act to amend an act entitled 'An act to exempt the homestead and certain articles of personal property from forced sale on execution,'"

H. F. No. 112, "Joint resolution for the relief of George D. Thayer and Harman Hartman,"

H. F. No. 163, "A bill for an act to authorize James S. Allan, his associates, heirs and assigns, to keep a mill dam across Buffalo creek, Sarpy county,"

H. F. No. 161, "A bill for an act to exempt sheep and swine from forced sale on execution for debt,"

H. F. No. 162, "Joint resolution and memorial relative to a land grant for the growing of timber thereon,"

H. F. No. 165, "A bill for an act to incorporate the Prospect Hill cemetery company of Pawnee city,"

H. F. No. 166, "A bill for an act to legalize the tax levy in Douglas county for the year 1860,"

H. F. No. 167, "Joint resolution and memorial asking for an appropriation to construct a bridge across the Platte river,"

H. F. No. 171, "A bill for an act to exempt the counties of Burt, Dakota and Platte from the operation of certain sections of 'An act to prevent overdrawing public funds in counties,'"

And respectfully request your concurrence therein.

I also return you herewith

C. B. No. 69, "Joint resolution to pay Joseph J. Unthank for his services as page of the Council,"

The same having passed the House with the following amendment:

Strike out one hundred (100) and insert eighty (80).

Also,

C. B. No. 84, "A bill for an act to amend the charter of the city of Omaha,"

The same having passed the House with the following amendment:

Amend so as to read "the north half (½) of the north half (½) of fractional section twenty six (26)."

And respectfully ask your concurrence therein.

Geo. L. Seybolt, Chief Clerk.

Mr. Strickland moved the adoption of the report of the Committee upon

C. B. No. 76, "A bill for an act for the relief of King & Wood."

Mr. Taylor moved to recommit the bill to the select committee, with instructions to report the following amendments:

Section —. Hereafter it shall be lawful for the Auditor of the Territory to audit and allow all claims of citizens of this Territory for property destroyed or lost in any attempt to suppress Indian depredations, and said Auditor shall thereupon draw a warrant upon the Treasurer for the amount allowed. But the Auditor in no instance shall allow any claim unless upon the evidence of three witnesses."

Mr. Strickland moved to lay the motion on the table.

Upon which the ayes and nays were had, as follows:

Ayes—Messrs. Belden, Bennett, Dundy, Goss, Little, Strickland, Taffe, Thayer and Unthank.—9.

Nays—Messrs. Elbert, Marquette, Tipton and Mr. President.—4.

Carried.

Mr. Elbert moved that the subject matter be referred to a select committee, with instructions to report to-morrow afternoon.

Upon which the ayes and nays were had, as follows:

Ayes—Messrs. Dundy, Elbert, Marquette, Tipton and Mr. President. —5.

Nays—Messrs. Belden, Bennett, Goss, Little, Strickland, Taffe, Thayer and Unthank.—8.

Lost.

Mr. Taylor moved the indefinite postponement of the matter,

Upon which the ayes and nays were called, as follows:

Ayes—Messrs. Dundy, Elbert, Marquette, Tipton and Mr. President. —5.

Nays—Messrs. Belden, Bennett, Goss, Little, Strickland, Taffe, Thayer and Unthank.—8.

Lost.

Mr. Taylor moved to postpone until next Friday evening,

Upon which the ayes and nays were called, as follows:

Ayes—Messrs. Elbert, Marquette, Tipton and Mr. President.—4.

Nays—Messrs. Belden, Bennett, Dundy, Goss, Little, Strickland, Taffe, Thayer and Unthank.—9.

Lost.

Message from the House:

HOUSE OF REPRESENTATIVES,
Omaha, Jan. 8th, 1861.

Mr. President:

I am instructed to inform your honorable body that the House have passed

H. F. No. 134, "A bill for an act to amend an act entitled 'An act for opening, repairing and locating county roads,'" approved January 26th, 1856.

H. F. No. 143, "A bill for an act for the relief of William Sexaur."

H. F. No. 152, "A bill for an act to provide for the publication of the general laws in one newspaper printed at the Capital."

H. F. No. 155, "A bill for an act to confirm the title of Henry Brown to certain real estate in the city of Omaha, Nebraska."

H. F. No. 172, "A bill for an act to authorize H. W. Parker and E. C. Austin to erect a mill dam and bridge across Big Sandy river in Jones county."

H. F. No. 171, "A bill for an act to amend an act to incorporate a seminary to be located in Cass county, Nebraska Territory," which took effect October 23, 1858.

And your concurrence therein is respectfully requested.

I also return you herewith

C. B. No. 70, "A bill for an act to confirm the title of John McConihe and William Thomas Clark, to certain real estate in the city of Omaha in the Territory of Nebraska."

Also,

C. B. No. 87, "A bill for an act to authorize the transcribing certain records and files in the office of register of deeds and county clerk of Dodge county."

The same having been passed the House without amendment.

GEORGE L. SEYBOLT, Chief Clerk.

Mr. Strickland, chairman of the select committee to whom was referred

C. B. No. 76, "A bill for the relief of John McCormick, presented the following report:

Your committee, to whom was referred C. B. No. 76, have had the same under consideration and would beg leave to report the same back to the Council with the following amendments and recommend the adoption of said amendments and the passage of the bill as amended.

Amend section 1, by striking out the words "John McCormick, assignee of" also "$4500," and insert "$2500;" also strike out the name "John McCormick" in section two and insert in lieu thereof the names "King & Wood;" strike out in section three the words "John McCormick shall cause to be executed the said" occurring in the third and fourth lines and insert "there shall."

The title to be amended by striking out "John McCormick assignee of."

SILAS A. STRICKLAND,
J. M. THAYER,
WM. A. LITTLE.

Mr. Strickland moved the adoption of the report.

Upon which the ayes and nays were called as follows:

Ayes—Messrs. Belden, Bennett, Goss, Little, Strickland and Thayer. —6.

Nays—Messrs. Dundy, Elbert, Marquette, Taffe, Tipton, Unthank and Mr. President.—7.

Lost.

Mr. Elbert moved to go into Committee of the Whole on the subject matter.

Lost.

Mr. Strickland moved to recommit to the select committee of Messrs. Strickland, Thayer and Little, with instructions to report instanter.

Upon which the ayes and nays were called as follows:

Ayes—Messrs. Belden, Bennett, Dundy, Elbert, Goss, Little, Strickland, Taffe, Thayer and Unthank.—10.

Nays—Messrs. Marquette, Tipton and Mr. President.—3.

Carried.

Mr. Goss moved that a select committee of three be appointed to enquire into and report whether any corrupt and improper influences have been used to procure the passage of a bill for the relief of King & Wood, and if so to what extent, and that the committee have power to send for persons and papers in such investigation, and report to-morrow morning.

Mr. Marquette offered the following amendment:

"And that all consideration of the bill be postponed until the report of the committee be received, and that said committee be instructed to report to-morrow morning."

Upon which the ayes and nays were called as follows:

Ayes—Messrs. Dundy, Elbert, Marquette, Tipton, and Mr. President. —5.

Nays—Messrs. Belden, Bennett, Goss, Little, Strickland, Taffe, Thayet and Unthank.—8.

Amendment lost.

The question occurring upon the motion of Mr. Goss it was Carried.

Messrs. Marquette, Tipton and Goss were appointed such committee.

Message from the Governor:

EXECUTIVE CHAMBER,
Omaha, Jan. 8th, 1861.

Mr. President:

And Gentlemen of the Council:

I am requested by the Governor to return to your honorable body, "A bill for an act to incorporate Table Rock seminary,"

And to announce the following message embodying his reasons therefor.

JOHN MCCONIHE,
Private Secretary.

Gentlemen of the Council:

Under this act, if it becomes a law, this corporation is invested with extraordinary powers and privileges.

In the name of "education" there is conferred on a chartered company the power of land monopoly, with exemptions to which I can never give my assent.

In the first section it is provided for this corporation "to have perpetual succession, to sue and be sued; to plead and be impleaded; to receive, acquire, hold, possess and convey property, real, personal and mixed, to the extent of seminary buildings, library, apparatus and fixtures, and seminary grounds, not to exceed forty acres, and all property set apart for the endowment of professorships or for the increase of library or apparatus. Said property and the proceeds thereof to be applied to educational purposes in said seminary of Table Rock, and any division of the powers herein contained, and of any property which said corporation may acquire, to any purpose other than those mentioned in this act, shall work a forfeiture of the franchises and powers hereby granted, and the corporation is hereby authorized and empowered to execute any trust confided to them to carry out the objects of this act, subject to the limitations herein contained; to use, manage and control all such property, adopt and use a common seal, and to have and exercise all other powers which may be necessary to carry out the objects and intentions of this act. They shall have power to adopt by-laws, rules and regulations for the government of the institution, not inconsistent with the laws of the United States or of the Territory (or state) of Nebraska. Three of said trustees shall constitute a quorum for the transaction of business."

And in the fourth section it is enacted "that all the property of said corporation held in accordance with the provisions of this act, shall forever be free from taxation for all purposes whatsoever."

Here is an eternal exemption from taxation for all purposes whatsoever:

In expressing my positive dissent from the provisions of this bill it is hardly necessary to discuss the policy or justice of exempting the property of any corporation from taxation.

It seems, at first sight, a fair way of encouraging religion, education and charity, to free the property of churches, seminaries and corporations from the general levy to which all the people are subject in the way of taxes. But is it fair?

To the extent of every exemption there is a deficiency, and that deficiency must be made up by an addition to the taxes of every person in the community. It is, in fact, an involuntary subscription to the extent of the additional tax.

So far as it affects the people in mass, this is plain; and it is equally plain that the benefits and advantages of the exemption are greater or les, just in propertion as the corporation is rich or poor.

If a church corporation, for instance, is rich and owns a large estate, the temporal part of the body is largely the gainer. If, however, it is poor, very poor, the involuntary contribution to it, in the shape of exemption from taxes, is poor in proportion to its poverty.

But my objections to this bill are specific, and do not, of necessity, involve the question of whether it is wise and well to exempt any corporate property from taxes.

The power of acquiring property granted to this corporation is unlimited in extent. It is true that it is ingeniously provided that the seminary grounds are not to exceed forty acres; but it is equally true, that in addition to this, "all property set apart for the endowment of professorships or for the increase of library or apparatus," may be acquired, held and conveyed, be it "real or personal, or mixed."

By this grant and under the name of endowing professorships, increasing the library, or apparatus, the corporation may acquire forty thousand (40,000) acres of land as well as forty, and hold it forever free from taxation, for all purposes whatsoever.

I do not pretend to know what this corporation or their successors might do under the grant, but I do know that such a grant as this is unjust to the people and is greatly liable to be abused.

All corporate privileges and powers should be clearly defined and limited, and should never extend beyond the necessary purposes for which the corporation is created. SAM. W. BLACK.

Mr. Strickland from select committee, to which was recommitted C. B. No. 76, submitted the following report:

Your select committee, to whom was referred

C. B. No. 76, "A bill for an act for the relief of King & Wood,"

Would report the same back to the Council and respectfully recommend the following amendments, and recommend its passage.

Amend section one, by striking out the words, "John McCormick, assignee of."

Also, strike out the words, "four thousand five hundred dollars," and insert the words, "one thousand two hundred dollars" in same section.

Also, strike out in section two the words, "John McCormick," and insert the words "King & Wood."

Strike out in section three, the words "John McCormick shall cause to be executed by the said" occurring in the third and fourth lines and insert the words, "there shall be executed by."

Also amend the title, by striking out the words, "John McCormick assignee of."

SILAS A. STRICKLAND,
W. A. LITTLE,
J. M. THAYER.

H. F. No. 70, "Joint resolution and memorial, asking Congress for an appropriation to construct a bridge over the Platte river, at or near its mouth."

Read a third time.

Passed and title agreed to.

On motion of Mr. Little,

The Council resolved itself into Committee of the Whole on the Homestead bill.

After remaining some time therein, the committee rose, reported progress and asked leave to sit again.

Call of the house demanded.

Absent—Messrs. Goss and Elbert.

On motion,

All further proceedings under the call were dispensed with.

The following report from special committee of inquiry in relation to the abstraction of papers in the contested case of Fleming vs. Dundy was received and adopted.

Your special committee appointed for the purpose of ascertaining whether any papers in the contested case of W. C. Fleming vs. E. S. Dundy had been improperly taken from the custody of this body, and if so, by whom they were taken, beg leave to report:

That said papers were in the hands of Mr. Dundy, a member of this body, who was absent at the time investigation was instituted, and the committee raised: that said papers had not been abstracted by any one, and so far as your committee is informed, no member of this body, or any other party, was guilty of any impropriety in the premises.

Your committee therefore further ask that they may report said papers to the Council, and be discharged from further consideration of the subject.

All of which is respectfully submitted.
J. A. Unthank,
John Taffe.

Mr. Marquette, moved that the President be one of the committee called for by the motion of Mr. Goss, in relation to the influence used to procure the passage of the bill for the relief of King & Wood.

Mr. Goss refusing to serve on said committee as he was not appointed chairman of said committee.

On motion of Mr. Goss,
Council adjourned.
E. P. Brewster, Chief Clerk.

Council Chamber,
Omaha, Wednesday, Jan. 9th, 1861.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read, corrected and approved.

Mr. Taffe, chairman of the Committee on Counties submitted the following report, which was received and adopted:

Your committee to whom was referred the following bills, having had the same under consideration, have instructed me to report them back to the Council.

C. B. No. 33, entitled "A bill for an act to repeal certain acts passed in the year 1860,"

Without recommendation,

And

H. F. No. 56, entitled "An act to enable the register of deeds and county clerk to appoint the other his deputy,"

With the recommendation that its further consideration be indefinitely postponed. JOHN TAFFE.

Mr. Taffe, from Committee on Judiciary, made report upon C. B. No. 52.

Laid over under the rule.

The following report was received from the Committee on Expenditures and adopted:

Your committee to whom was referred

H. F. No. 50, "A bill for an act to create the office of precinct assessor,"

With instructions to amend the bill so as to make it consistent with the amendments to section first, recommended by the Committee of the Whole, have had the same under conderation and beg leave to report it back with the following recommendations:

Strike out the word "precinct" wherever it occurs in the bill, and insert instead thereof the word "county."

In section 2, fifth line, instead of the word "two" insert "——"

In the fourth line of section 9, strike out the word "April" and insert "——."

In the 5th line of section 9, strike out the letter "s" from the word "answers," and then after the words "shall meet at the office of the county clerk on the first Tuesday in May and shall equalize the assessments and" strike out the word "assessors" wherever it occurs in the bill, and insert instead thereof the word "assessor."

All of which is respectfully submitted. SAMUEL H. ELBERT,
J. A. UNTHANK.

Message from the House:

HOUSE OF REPRESENTATIVES,
Omaha, January 9th, 1861.

Mr. President:

I am instructed to inform your honorable body that the House have passed

H. F. No. 159, "A bill for an act for the relief of A. D. Luce."

H. F. No. 173, "A bill for an act to authorize John C. Wood and others to keep and maintain a mill dam across the north fork of the Great Nemaha river in Pawnee county."

H. F. No. 174, "A bill for an act to regulate the time of holding courts in the counties of Pawnee, Johnson, Clay and Gage;"

And your concurrence therein is respectfully requested.

I also return you herewith

C. B. No. 71, "A bill for an act to authorize Hadley D. Johnson to establish a ferry across the north fork of the Platte river."

The same having passed the House without amendment.

I am also instructed to inform your honorable body that the House have refused to recede from its amendments to

C. B. No. 74, "A bill for an act to amend an act entitled, 'An act to license and regulate the sale of malt, spiritous and vinous liquors in the Territory of Nebraska,'" approved November 4th, 1858.

And,

Messrs. Lockwood, Cavins and Cleburne have been appointed a committee of conference thereon. GEO. L. SEYBOLT, Chief Clerk.

H. F. No. 152, "A bill for an act to provide for the publication of the general laws in one newspaper printed at the Capital."

Read the first time.

H. F. No. 174, "A bill for an act to regulate the time of holding courts in the counties of Pawnee, Johnson, Clay and Gage."

Read first time, and

On motion,

Rules suspended, read second and third time by its title.

Passed and title agreed to.

Mr. Belden introduced

C. B. No. 95, "A bill for an act to consolidate certain actions in the district court."

H. F. No. 134, "A bill for an act to amend an act entitled, 'An act for opening, repairing and locating county roads,'" approved January 26th, 1856.

Read first time, and

On motion,

Rules suspended, read second time.

H. F. No. 42, "A bill for an act to amend an act entitled, 'An act to exempt the homestead and certain articles of personal property from forced sale on execution.'"

Read first time, and

On motion,

Read second time by its title, and made the special order of the day for 2 o'clock P M.

H. F. No. 172, "A bill for an act to authorize Hiram W. Parker and E. C. Austin, to erect a bridge across the Big Sandy, in Jones county."

Read first time, and

On motion,

Rules suspended, the bill read second and third time by its title.

Passed and title agreed to.

C. B. No. 95, "A bill for an act to consolidate certain actions in the district court."

Taken up, and

On motion,

Rules suspended, read second and third times by its title,

Passed and title agreed to.

C. B. No. 69, "A bill for an act to pay John J. Unthank for his services as page of the Council."

Taken up.

The question occurring upon the concurrence of the Council to amendments made by the House, the Council refused to concur in said amendments.

H. F. No. 11, "A bill for an act for the relief of George D. Thayer and Harman Hartman."

Read first time and

On motion,

Rules suspended; the bill read second time by its title.

Mr. Little moved to amend the bill by striking out "eighty" and inserting "one hundred."

Carried.

The bill as amended was read third time by its title.

Passed and title agreed to.

H. F. No. 171, "A bill for an act to exempt the counties of Burt, Dakota and Platte from the operation of certain sections of an act entitled 'An act to prevent overdrawing public funds in counties.'"

Read first time.

H. F. No. 163, "A bill for an act to authorize James S. Allan, his associates, heirs and assigns, to keep a mill dam across Buffalo creek in Sarpy county."

Read first time, and

On motion,

Rules suspended; the bill read second and third time by its title.

Passed and title agreed to.

H. F. No. 167, "Joint resolution and memorial asking for an appropriation to erect a bridge across the Platte river."

Read first time, and

On motion,

Rules suspended; the bill read second and third time by its title.

Passed and title agreed to.

H. F. No. 165, "A bill for an act to incorporate the Prospect Hill cemetery company of the city of Pawnee."

Read first time.

H. F. No. 166, "A bill for an act to legalize the tax levy for 1860 in Douglas county, Nebraska."

Read first time.

H. F. No. 161, "A bill for an act to exempt sheep and swine from forced sale on execution."

Read first time, and

On motion,

Rules suspended; read second and third time by its title.

Ayes and nays called on its passage as follows:

Ayes.—Messrs. Dundy, Goss, Thayer, Unthank and Mr. President.—5.

Nays—Messrs. Belden, Elbert, Little, Marquette, Taffe and Tipton.—6.

Bill lost.

H. F. No. 162, "Joint resolution and memorial relative to a land grant for the growing of timber thereon."

Read first time.

H. F. No. 155, "An act to confirm the title of Henry Brown to certain real estate in the city of Omaha, Nebraska."

Read first time.

On motion,

The Council concurred in amendments made by the House to

C. B. No. 84, "A bill for an act to amend the charter of the city of Omaha."

H. F. No. 173, "A bill for an act to authorize John C. Wood and others to keep and maintain a mill dam across the north fork of the Great Nemaha river in Pawnee county."

Read first time.

H. F. No. 159, "A bill for an act for the relief of A. D. Luce."

Read first time.

C. B. No. 50, "A bill for an act to apportion the members of the Council of Nebraska,"

Taken up.

The question occurring upon the adoption of the amendments made in Committee of the Whole, it was

Lost.

The bill was read third time, and

Ayes and nays called upon its passage, as follows:

Ayes—Messrs. Bennett, Elbert, Marquette, Tipton and Mr. President.—5.

Nays—Messrs. Belden, Dundy, Goss, Little, Strickland, Taffe, Thayer and Unthank.—8.

Lost.

H. F. No. 86, "A bill for an act changing the southern and western boundaries of Platte county."

Read second time.

H. F. No. 144, "A bill for an act to authorize E. Hicks Clark and J. R. Andrews to keep a ferry across the Missouri river at Fort Calhoun.

Read second time.

Mr. Belden, from Committee on Engrossed and Enrolled Bills, submisted the following report:

Your committee would respectfully report the following named bills as correctly engrossed:

"An act to incorporate Plattsmouth lodge No. 6, Ancient, Free and Accepted Masons, at Plattsmouth, N. T."

"An act to authorize the transcribing of certain records and files in the office of the register of deeds and county clerk of Dodge county."

"An act to confirm the title of William Thomas Clark to certain real estate in the city of Omaha, in the Territory of Nebraska."

"An act to repeal an act entitled 'An act to provide for the selection

of lands in lieu of sections sixteen and thirty-six in cases where said sections or parts thereof have been sold." J. M. THAYER,
D. D. BELDEN.

The Committee on Engrossed and Enrolled Bills reported that they had presented to the Governor for his approval each of the foregoing bills.

The Committee on Incorporations submitted the following report:

Your Committee to whom was referred

H. F. No. 148, entitled "A bill for an act to authorize James Spratlan and Abraham Roberts to keep a ferry across the Missouri river at Rock Bluffs,"

Have had the same under consideration and report it back without recommendation. E. S. DUNDY,
JOHN TAFFE.

The Committee on Elections submitted the following report:

Your Committee to whom was referred

C. B. No. 50, "A bill for an act for apportioning the members of the Council,"

Report the same back to the Council and recommend the following amendments:

1st. So change the order of the words in line eight (8) that it shall read, "Pawnee, Richardson and Gage, one member."

And substitute for the third (3d) section the following:

"This act shall take effect and be in force from and after its passage; but nothing herein contained shall be construed to legislate the present members of the Council out of office, it being the true intent and meaning of this act to apply to vacancies in the Council which may occur from resignation, death or otherwise." T. W. TIPTON,
SAM. H. ELBERT.

The ayes and nays called on the adoption of the report.

Ayes—Messrs. Bennett, Elbert, Marquette, Tipton and Mr. President. —5.

Nays—Messrs. Belden, Dundy, Strickland, Taffe, Thayer and Unthank.—6.

Motion to adopt,

Lost.

Mr. Goss moved to lay the motion on the table.

Ayes and nays called as follows:

Ayes—Messrs. Belden, Dundy, Goss, Little, Strickland, Taffe, Thayer and Unthank.—8.

Nays—Messrs. Bennett, Elbert, Marquette, Tipton and Mr. President.—5.

Carried.

The following report from the Committee on Highways, Bridges and Ferries was received and

Adopted.

Your committee to whom was referred

H. F. No. 132, "A bill for an act to incorporate the Platte bridge co.,"

Having had the same under consideration, have instructed me te report the same back to the Council and recommend its passage.

J. A. UNTHANK, Chairman.

H. F. No. 132, "A bill for an act to incorporate the Platte bridge company,"

Read a third time.

Passed and title agreed to.

Mr. Little moved a call of the House.

Absent—Mr. Marquette.

On motion,

All further proceedings under the call dispensed with.

The Committee on Finance submitted the following report:

Your committee to whom was referred

H. F. No. 87, "Joint resolution for the relief of Wilkinson from the Boulder,"

Have had the same under consideration, and beg leave to report it back to the Council and recommend its passage.

SAM. H. ELBERT,
E. S. DUNDY,
S. A. STRICKLAND.

Upon motion to adopt the report,

The ayes and nays were called as follows:

Ayes—Messrs. Bennett, Dundy, Elbert, Goss, Tipton and Unthank.—6.

Nays—Messrs. Belden, Little, Marquette, Thayer and Mr. President.—5.

Carried, and

Report adopted.

Call of the House demanded.

Absent—Messrs. Strickland, Taffe and Unthank.

On motion,

All further proceedings under the call dispensed with.

H. F. No. 87, "Joint resolution for the relief of F. Wilkinson."

Read third time.

Ayes and nays demanded.

Ayes—Messrs. Bennett, Dundy, Elbert, Strickland, Tipton and Unthank.—6.

Nays—Messrs. Belden, Goss, Little, Marquette, Taffe, Thayer and Mr. President.—7.

Lost.

H. F. No. 73, "A bill for an act in relation to homesteads."

Read third time.

Passed and title agreed to.

H. F. No. 171, "A bill for an act to exempt the counties of Burt, Dakota and Platte, from the operations of certain sections of an act to prevent overdrawing public funds in counties."

Read first time.

The Committee on Incorporations submitted the following report:

Your committee to whom was referred

C. B. No. 79, "A bill for an act supplemental to an act to incorporate the city of Rulo," approved Nov. 1, 1858,

Have had the same under consideration, report it back without amendment and recommend its passage.

E. S. Dundy,
W. A. Little.
Jno. Taffe.

C. B. No. 79, "A bill for an act supplementary to 'An act to incorporate the city of Rulo,'" approved Nov. 1, 1858.

Read third time.

Passed and title agreed to.

Mr. Dundy moved the appointment of a committee of conference upon amendments made by the House to the license law.

Messrs. Dundy and Tipton, appointed such committee.

H. F. No. 97, "A bill for act to regulate the disposal of road fund and define the duties of supervisors."

Read third time.

Passed and title agreed to.

H. F. No. 91, "A bill to amend the code of civil procedure."

Read third time.

Mr. Little moved that

H. F. No. 91, "A bill for an act to amend the code of civil procedure."

Be recommitted to the committee with instructions to amend it to allow Indians and negroes to testify in cases between themselves.

Ayes and nays demanded:

Ayes—Messrs. Bennett, Dundy, Little, Taffe and Unthank.—5.

Nays—Messrs. Belden, Elbert, Goss, Marquette, Strickland, Thayer, Tipton and Mr. President.—8.

Lost.

Ayes and nays demanded on the passage:

Ayes—Messrs. Belden, Bennett, Elbert, Goss, Marquette, Strickland, Thayer, Tipton, Unthank and Mr. President.—10.
Nays—Messrs. Dundy, Little and Taffe.—3.

Bill passed and title agreed to.

H. F. No. 138, "A bill for an act to incorporate the Second Presbyterian church at Omaha."

Read third time.

Passed and title agreed to.

H. F, No. 158, "A bill for an act to incorporate the Chicago, Plattsmouth and Pike's Peak express company."

Read third time.

Passed and title agreed to.

H. F. No. 124, "An act to authorize John A. Burbank to erect a mill dam across the Great Nemaha river."

Read third time.

Passed and title agreed to.

H. F. No. 184, "An act to legalize certain elections of county officers in Hall county."

Read third time.

Passed and title agreed to.

H. F. No. 20, "A bill for an act to authorize Felix Kitch and Abram P. Forney to keep a ferry across the Missouri river at Rulo."

Read a third time.

Passed and title agreed to.

C. F. No. 51, "A bill for an act to incorporate the Brownville, Nemaha Valley, Fort Kearney and Denver city rail road company."

Read third time,

Passed and title agreed to.

C. B. No. 68, "A bill for an act to amend an act entitled 'An act to authorize E. P. Stout and associates to run a ferry across the Missouri river at De Soto.' "

Read third time,

And coming up on its passage, it was

Lost.

H. F. No. 63, "A bill for an act to locate a territorial road from St. John's to Dakota."

Read a third time as amended.

Passed and title agreed to.

The Committee on Engrossed and Enrolled Bills reported the following named acts as correctly engrossed, and as having been presented to the Governor for his approval:

"An act to authorize holding special terms of the district courts in certain cases."

"An act to restore the rights of citizenship to Stephen G. Moran."

"An act to vacate a territorial road in Cass county."

"Joint resolution and memorial relative to school lands in lieu of Half-breed lands."

"An act to regulate proceedings against insolvent corporations."

"An act to authorize Randall A. Brown and John A. Unthank to to establish a bridge and ferry across the north fork of the Platte river,"

"An act to authorize Hadley D. Johnson to establish a ferry across the north fork of the Platte river."

J. M. THAYER,
D. D. BELDEN.

On motion of Mr. Goss,

Council adjourned until half past 2 o'clock, P. M.

Afternoon Session.

President in the chair.

Message from the House:

HOUSE OF REPRESENTATIVES,
Omaha, Jan. 9th, 1861.

Mr. President:

I am instructed to inform your honorable body that the House have passed

H. F. No. 169, "A bill for an act for refunding to the several counties a portion of the territorial taxes for the year A. D. 1860,"

H. F. No. 31, "A bill for an act regulating elections in the Territory of Nebraska,"

H. F. No. 178, "A bill for an act to fix the time for holding the district court in the third judicial district,"

H. F. No. 180, "A bill for an act to protect buffalo and antelope,"

And respectfully ask your concurrence therein.

I also return you herewith

C. B. No. 34, "A bill for an act to incorporate the Pacific telegraph company,"

The same having passed the House without amendment.

I also return you herewith

C. B. No. 93, "A bill for an act to amend 'An act to incorporate the city of Plattsmouth,'" approved March 14th, 1855,"

The same having passed the House with several amendments which are attached thereto, and respectfully ask your concurrence therein.

GEORGE L. SEYBOLT, Chief Clerk.

On motion of Mr. Marquette,

The Council resolved itself into Committee of the Whole upon

H. F. No. 59, "A bill for an act to abolish the office of district attorney and establish the office of prosecuting attorney."

Mr Tipton in the chair.

After remaining some time therein the committee arose, reported the bill back to the Council with certain amendments.

Mr. Bennett introduced

" C. B. No. 96, "A bill for an act to incorporate the Nebraska city, Fort Kearney and Denver city express freighting company."

Read first time, and

On motion,

Rules suspended, read second and third time by its title.

Passed and title agreed to.

Mr. Goss introduced

C. B. No. 97, "A bill for an act to change the geographical limits of the city of Bellevue, in Sarpy county."

Read first time.

H. F. No. 31, "A bill for an act regulating elections in the Territory of Nebraska."

Read first time.

Mr. Little moved a call of the House.

Call had.

Absent—Messrs. Goss and Strickland.

On motion,

Sergeant-at-Arms was despatched after absentees.

Mr. Goss appeared within the bar.

On motion,

All further proceedings under the call dispensed with.

Mr. Little moved the adoption of the report of the special committee upon

C. B. No. 76, "A bill for an act for the relief of King & Wood."

Mr. Dundy in the chair.

Mr. Taylor opposed the adoption of the report and insisted upon reading the evidence taken before the investigating committee.

Mr. Strickland rose to a point of order. That the gentleman from Otoe had no right to read the evidence taken before the investigating committee and making the same a part of his speech, as he was chairman of the committee, and objected to having the evidence read at this time.

The chairman, Mr. Dundy, decided the point of order not well taken.

Mr. Strickland appealed from the decision of the chair.

The question being "Shall the judgment of the chair stand as the judgment of the Council?"

Mr. Taylor demanded the ayes and nays.

Ayes—Messrs. Elbert, Marquette, Tipton and Taylor.—4.

Nays—Messrs. Belden, Bennett, Goss, Little, Strickland, Taffe, Thayer and Unthank.—8.

Lost.

On motion,

To adopt report of the committee,

The ayes and nays were demanded:

Ayes—Messrs. Belden, Bennett, Goss, Little, Strickland, Taffe, Thayer and Unthank.—8.

Nays—Messrs. Dundy, Elbert, Marquette, Tipton and Mr. President.—5.

Report adopted,

On motion of Mr. Little

The bill was ordered engrossed and read a third time within one hour by the following vote:

Ayes—Messrs. Belden, Bennett, Goss, Little, Strickland, Taffe, Thayer and Unthank.—8.

Nays—Messrs. Dundy, Elbert, Marquette, Tipton and Mr. President.—5.

C. B. No. 77, "A bill for an act to incorporate the Nemaha agricultural society in Richardson county."

Read third time.

Passed and title agreed to.

H. F. No. 58, "A bill for an act to provide for copying the Journals of the Council and House of Representatives of Nebraska."

Referred to the Committee on Printing.

Message from the Governor:

Executive Chamber,
Omaha, Jan. 9th, 1861.

Mr. President:

And Gentlemen of the Council,

I am instructed by the Governor to return to your honorable body "An act to vacate the town of Archer, in Richardson county,"

And announce the following message embodying his reasons therefor.

John McConihe,
Private Secretary.

Gentlemen of the Council:

This bill is not approved because it sets forth no reason why the charter granted to the town of Archer should be vacated.

It does not appear what titles purchased in good faith and for valuable considerations may be utterly swept away by this summary procceding.

If there is any good reason for blotting the charter out of existence it could have been very easily stated in the bill.

In the absence of such reason I am not at liberty to infer that the act is a good one.

Samuel W. Black,
Governor of Nebraska.

H. F. No. 180, "A bill for an act to protect buffalo and antelope."

Read first time, and referred to Committee on Military Affairs.

H. F. No. 169, "A bill for an act for refunding to the several counties a portion of the Territorial taxes for the year 1860."

Read first time.

Message from the Governor:

EXECUTIVE CHAMBER.
Omaha, Jan. 9th, 1861.

Mr. President
And Gentlemen of the Council:

The Governor directs me to inform your honorable body that he has signed and approved the following bills.

"An act to fix the times of holding the district courts in the first judicial district."

"An act to regulate proceedings against insolvent corporations."

"An act to authorize holding special terms of the district court in certain cases."

"An act to authorize the transcribing of certain records and files in the office of the register of deeds and county clerk of Dodge county."

"An act to incorporate Plattsmouth lodge, No. 6, Ancient, Free and Accepted Masons at Plattsmouth, N. T.".

"An act to vacate a territorial road in Cass county."

JOHN McCONIHE,
Private Secretary.

H. F. No. 178, "A bill for an act to fix the times of holding the district court in the third judicial district."

Read first time, and

On motion,

Rules suspended, read a second and third time by its title.

Passed and title agreed to.

On motion of Mr. Goss,

The vote was reconsidered, by which the Council refused to adopt the amendments recommended by the Committee of the Whole to

C. B. No. 9, "A bill for an act to amend the code of civil procedure."

The following amendments were adopted:

Amend section nine to read as follows: "This act to take effect from and after the first day of February next."

In section nine, second line, strike out, "in chancery" and insert "commissioner;" strike out "s" after "masters" in same line; strike out "section 5th."

Mr. Taylor moved to postpone the bill and all the subject matter.

Pending which,

Call of the House demanded,

Absent, Mr. Bennett.

On motion,

Sergeant-at-Arms was despatched after absentees.

On motion,

All further proceedings under the call dispensed with.

Ayes and nays demanded on previous question:

Ayes—Messrs. Little and Mr. President.—2.

Nays—Messrs. Belden, Bennett, Dundy, Elbert, Goss, Marquette, Strickland, Taffe, Thayer, Tipton and Unthank.—11.

Lost.

On motion of Mr. Taffe,

Bill ordered engrossed and read a third time to-morrow.

Message from the House:

HOUSE OF REPRESENTATIVES,
Omaha, January 9th, 1861.

Mr. President:

I am instructed to inform your honorable body that the House have passed

H. F. No. 48, "A bill for an act concerning the acknowledgment of conveyances of real estate."

H. F. No. 181, "A bill to regulate the toll of millers."

H. F. No. 182, "A a bill to provide for special terms of supreme court."

H. F. No. 183, "A bill for an estray law."

And the concurrence of your honorable body is respectfully requested therein.

I also return you herewith,

C. B. No. 47, "A bill for an act authorizing the commissioners of Sarpy county to issue county bonds for certain purposes."

Also,

C. B. No. 95, "An act to consolidate certain actions in the district court."

The same having passed the House without amendment.

I am also instructed to inform your honorable body that the House have concurred in the amendments proposed by the Council to

H. F. No. 112, "Joint resolution for the relief of George D. Thayer and Harman Hartman."

I am also instructed to inform your honorable body that the House have receded from its amendment to

C. B. No. 69, "Joint resolution to pay John J. Unthank for his services as page of the Council. GEO. L. SEYBOLT, Chief Clerk.

The Committee on Engrossed and Enrolled Bills reported

C. B. No. 76, "A bill for an act for the relief of King & Wood,"

As correctly enrolled. J. M. THAYER,
D. D. BELDEN.

C. B. No. 76, "A bill for an act for the relief of King & Wood."

Read third time, and

Ayes and nays demanded upon its passage.

Ayes—Messrs. Belden, Bennett, Goss, Little, Strickland, Taffe, Thayer and Unthank.—8.

Nays—Messrs. Dundy, Elbert, Marquette, Tipton and Mr. President.—5.

Bill passed and title agreed to.

On motion of Mr. Goss,

Took a recess until ½ past 6 o'clock.

Evening Session,

President in the chair.

On motion of Mr. Tipton,

Council resolved itself into Committee of the Whole to consider H. F. No. 104, "A bill for an act to exempt a homestead and a certain amount of personal property from forced sale, in certain cases."

Mr. Elbert in the chair.

After remaining some time therein, the committee arose and reported back

C. B. No. 56, "A bill for an act to amend an act to exempt the homestead and certain articles of personal property from forced sale on execution,"

As substitute for the bill under consideration, and recommended its passage.

Mr. Elbert moved that H. F. No. 104 be substituted for C. B. No. 56.

Upon which ayes and nays were had as follows:

Ayes—Messrs. Elbert, Tipton and Mr. President.—3.

Nays—Messrs. Belden, Bennett, Dundy, Goss, Little, Strickland, Taffe, Thayer and Unthank.—9.

Lost.

Call of the House demanded.

Absent—Messrs. Thayer and Strickland.

On motion,

The Sergeant-at-Arms was dispatched after absentees.

On motion,

All further proceedings under the call dispensed with.

Mr. Bennett moved that the bill recommended by the Committee of the Whole be adopted.

Ayes and nays demanded:

Ayes—Messrs. Bennett, Elbert, Tipton, Unthank and Mr. President.—5.

Nays—Messrs. Belden, Dundy, Goss, Little, Strickland, Taffe and Thayer.—7.

Lost.

H. F. No. 42, "A bill for an act entitled, 'An act to exempt the homestead and certain articles of personal property from forced sale on execution."

Read third time.

Passed and title agreed to.

Mr. Little offered a substitute to C. B. No. 56.

Substitute adopted.

The following report from committee of conference on license law received and adopted.

The committee of conference of the House and Council, to whom was referred the matter of disagreement between the same, in relation to the

"Bill for an act to amend an act to license and regulate the sale of malt, spiritous and vinous liquors in the Territory of Nebraska," approved November 4th, 1858.

Beg leave to report that they have had the same under consideration, and recommend that in the fifteenth line of section 2, of the amendment of the House, strike out the word "*two,*" before "hundred," and insert the word "*one,*" and with this change we recommend its passage.

Wm. F. Lockwood,
E. S. Dundy,
T. W. Tipton,
A. G. Cavins.

Message from the House:

House of Representatives,
Omaha, Jan. 9th, 1861.

Mr. President:

I am instructed to inform your honorable body that the House have passed

H. F. No. 184, "A bill for an act to confirm the official acts of the county commissioners of Dodge county, and for other purposes,"

H. F. No. 185, "A bill for an act relating to the stay law,"

H. F. No. 126, "A bill for an act to incorporate the Omaha gas light and coke company,"

And your concurrence therein is respectfully requested.

I also return you herewith

C. B. No. 77, "A bill for an act to incorporate the Nemaha agricultural society of Richardson county,"

Also,

C. B. No. 64, "A bill for an act providing for the settlement of the estates of decedents and for other purposes,"

Also,

C. B. No. 96, "A bill for an act to incorporate the Nebraska city, Fort Kearney and Denver city freight and express company,"

Also,

C. B. No. 97, "A bill for an act to change the geographical limits of Bellevue in Sarpy county, and for other purposes."

The same having passed the House without amendment.

George L. Seybolt, Chief Clerk.

Message from the House:

HOUSE OF REPRESENTATIVES,
Omaha, Jan. 9th, 1861.

Mr. President:

I am instructed to inform your honorable body that the House have passed:

"An act to provide for the distribution of the arms belonging to the Territory of Nebraska, and for other purposes,"

The same having passed the House by a two-thirds vote, the Governor's objection to the contrary notwithstanding.

I am also instructed to deliver the following message embodying his objections thereto. GEO. L. SEYBOLT, Chief Clerk.

EXECUTIVE CHAMBER,
Omaha, January 9th, 1861.

Mr. Speaker:

And Gentlemen of the House of Representatives:

I am directed by the Governor, to return to your honorable body

"An act to provide for the distribution of the arms belonging to the Territory of Nebraska, and for other purposes,"

And to announce the following message, embodying his objections thereto. JOHN MCCONIHE,
Private Secretary.

Gentlemen of the House:

This bill for the distribution of arms is not equitable. A specified preference is given to seven counties by name, and all others are omitted. A double distribution is made to Dakota county, while such counties as Pawnee, Richardson, Johnson, Gage, Jones, Lancaster, Clay, Hall, Buffalo, Kearney, Dixon, Cedar, L'eau-qui-court, Dodge, Burt, Washington, Platte, &c., are all left out.

In a word, among those omitted, is every frontier county of the Territory; the very counties in which the protection of the people demands a fair distribution of equipments and arms.

There are other objections to the bill which I have not time to enumerate.

I respectfully suggest, and I hope without violating propriety, that a law for the organization of independent volunteer companies is very much required, particularly in those counties exposed to Indian depredations. SAM'L W. BLACK, Gov. of Nebraska.

Mr. Belden introduced

C. B. No. 98, "A bill for an act defining the duties of judges of the district court in certain cases."

Read the first time.

On motion,

Rules suspended; bill read second and third times by its title.

Passed and title agreed to.

Call of the House demanded.

Absent—Mr. Thayer.

On motion,

Sergeant-at-Arms dispatched after absentees.

Mr. Thayer present.

On motion,

Further proceedings under call dispensed with.

Message from the House.

HOUSE OF REPRESENTATIVES,
Omaha, January 9th, 1861.

Mr. President:

I am instructed to inform your honorable body that the House have appointed Messrs. Cleburne, Parker and Matthias a committee to inform your honorable body that the House are now ready to go into joint convention for the purpose of electing certain military officers, and respectfully request the attendance of your honorable body in the hall of the House of Representatives for that purpose.

GEO. L. SEYBOLT, Chief Clerk.

Upon the question, shall

H. F. No. 144, "An act to provide for the distribution of the arms belonging to the Territory of Nebraska and for other purposes,"

Be passed, the Governor's veto to the contrary notwithstanding?

Ayes and nays demanded.

Ayes—Messrs. Bennett, Elbert, Taffe, Tipton, Mr. President.—5.

Nays—Messrs. Belden, Dundy, Goss, Little, Strickland, Thayer and Unthank.—7.

Being less than two-thirds,

Bill lost.

Mr. Little submitted the following report:

The minority of your committee to whom was referred

H. F. No. 148, "A bill for an act to authorize James Spratlan and Abraham Roberts to keep a ferry at Rock Bluffs,"

Having had the same under consideration, beg leave to report,

That after a careful examination of our statutes, I find that at the first session of the Legislative Assembly of this Territory, an act was passed giving to William Cornfield the exclusive privilege to keep and run a ferry at the identical point mentioned in this bill.

And by the terms of said charter the said Cornfield was to have said exclusive privilege for the period of ten years from and after the passage of said act; the charter above referred to was approved by the Governor March 6th, 1853.

Your committee would further state, that when the legislature have once conferred corporate rights upon an individual as in this case, it is certainly acting in bad faith to attempt to take away this franchise in this summary manner.

But, in the opinion of the minority of your committee, there is a fatal objection to this bill, which ought to determine the action of the Council in regard to this matter.

I submit that the legislature, having in their wisdom or otherwise, deliberately conferred this ferry franchise upon the said William Cornfield; and the same being a contract equally binding upon all the parties, the legislature have no power under the constitution to repeal the charter. In the case of Dartmouth College vs. Woodward, 4th Wheaton, 650, Court Rep., makes use of this language: "This is a contract, the obligation of which can not be impaired without violating the constitution of the United States." This language of the celebrated Marshall is peculiarly applicable to the case under consideration. To destroy or take away a ferry charter when once granted is not within the power of the legislature. But if the grantee has neglected or failed to obey the requirements of the same, it is the peculiar province and duty of the courts, when the case is properly presented for their consideration, to take away the franchise.

But there are other objections to this bill, and among them is the fact that we have a very good general law regulating ferries, approved Nov. 3d, 1858. By that law, ferry licenses are granted by the county commissioners and the same are made as they ought to be, a means of revenue to the county.

The minority of your committee is inalterably opposed to further incumbering our statutes with the private acts of incorporation when the same object can be accomplished under the general law above referred to, all of which is respectfully submitted. W. A. LITTLE.

C. B. No. 56, "A bill for an act to amend 'An act to exempt the homestead and certain articles from forced sale on execution.'"

Read third time, and

Ayes and nays demanded on its passage.

Ayes—Messrs. Belden and Little.—2

Nays—Messrs. Bennett, Dundy, Elbert, Goss, Strickland, Taffe, Thayer, Tipton, Unthank and Mr. President.—10.

Lost.

The following report received from the Commissioner of Common Schools:

OFFICE OF THE COMMISSIONER OF COMMON SCHOOLS,
Omaha, N. T., January 8, 1861.

To the Honorable the Legislative Assembly of the Territory of Nebraska:

In pursuance of law I have the honor to submit the Annual Report of the School Department of Nebraska, and in so doing, I must express my gratification in being able to present so favorable a condition as exists in our system of free education, although owing to difficulties (which I trust the Legislature will remove) in obtaining the reports contemplated by law from the various subordinate school officers in the Territory, I can not make as full a statement as I desired, or could have made, had the proper reports been returned.

Many districts failed entirely and others only made partial returns; first, because the law provides no penalty for neglect of duty, and many will not perform their duty unless they are *paid* for it; and

Second, because there is a great scarcity of copies of the law under which their duty is to be performed, and by which they should be instructed how to perform it.

The law requires no county clerk to report until the twentieth day of December, and many of these officers delayed making their returns to this office until after that time, and since their reports came in there has been no time to have the defective returns corrected.

Cass county has the most perfect school organization in the Territory, and made the nearest to full reports required by law. For the promptness and completeness with which the returns from that county were made, her able and efficient clerk deserves much credit.

ABSTRACT OF COUNTY REPORTS.

Number of counties reported,		19
" townships (or precincts) reported,		84
" sub-districts, "		139
Number of youth between the ages of five and twenty-one years,—males,		3763
females,		3278
Total,		7041
Number of public schools:		
High,		4
Primary,		104
Total,		108
Number of private or select schools,		23
Total number of schools,		131
Number of scholars enrolled:		
High schools,—males,		227
females,		149
Total,		376
Number of scholars enrolled:		
Primary schools,—males,	1377	
females,	1177	
Total,		2554
Grand total,		2930
Number of teachers employed:		
High schools,—males,		2
females,		2
Total,		4

Number of teachers employed:	
Primary schools,—males,	36
females,	74
Total,	100

Number of teachers employed:	
Select schools,—males,	8
females,	17
Total,	25

Number of school houses,	34
Value of school houses,	$9188.22
" furniture,	560.00

Amount paid for teachers' wages:		
High schools,—males,	$905.00	
females,	195.00	
Total,		$1100.00

Amount paid for teachers' wages:		
Primary schools,—males,	$886.61	
females,	1795.74	
sex not reported,	989.81	
Total,		$3672.16
Grand total for teachers' wages,		$4772.00

Amount paid for school house sites,	$50.00	
" " building and repairs,	67.82	
" " rent of school rooms,	296.50	
" " fuel, etc.,	114.75	
" " furniture,	262.48	
" " contingencies,	185.85	
On hand and unaccounted for in several townships,	2464.44	
Total,		$3441.84
Aggregate of expenditures,		$8214.00

Teachers' reports were received from only forty-five schools, from not having blanks or forms, or from lack of proper understanding of their general instructions of the law. These reports exhibit the number of pupils pursuing the various branches of study as follows:

Alphabet,	254
Orthography,	1614
Reading,	1574
Penmanship,	715
Mental arithmetic	580
Written arithmetic,	583
Geography,	462
English grammar,	258
History,	53
Natural philosophy,	34
Chemistry,	6
Physiology,	42
Algebra,	20
Geometry,	9
Composition,	114
Declamation,	274
Drawing,	13
Vocal music,	284
Rhetoric,	11
Astronomy,	9
Physical geography,	5
Latin,	18
Greek,	1
French,	2

APPORTIONMENT.

The apportionment of territorial school funds for 1859 and '60, made June 4th, 1860, in accordance with the "Act to provide for making an enumeration of the unmarried white youth of Nebraska territory between the ages of five and twenty-one years," approved January 13th, 1860, is as follows. The statement embraces the condition of the territorial school fund account of the several counties within the territory:

Burt County.

To levy of territorial school tax for 1859 (per auditor's report)	$280.54
By apportionment for 109 youth	242.51
Balance due school fund	$38.03

Cass County.

To levy, &c. (per auditor's report)	$2,192.15
By apportionment for 1074 youth	2,389.54
Balance due county	$197.39

Cedar County,

To levy, &c. (per auditor's report)	$37.14

Clay County.

By apportionment for 54 youth		$120.14

Dakota County.

To levy, &c. (per auditor's report)	$238.16	
Interest collected (county treasurer's report),	2.95	
		$241.11
By apportionment for 195 youth		647.33
Balance due county,		$406.33

Dixon County.

To levy, &c. (per county treasurer's report)		$64.46
By apportionment for 104 youth,		231.39
Balance due county,		$166.93

Dodge County.

To levy, &c. (per county treasurer's report),	$346.25	
Draft on treasury of Washington county,	61.51	
		$407.76
By delinquent tax transferred to Washington county for collection,	$70.19	
Draft in favor of Washington county,	144.00	
Apportionment for 87 youth,	193.57	
		$407.76

Douglas County.

To levy, &c. (per auditor's report),	$6,318.60	
Interest collected (county treasurer's report)	80.25	
		$6,398.85
By apportionment for 916 youth,		2,038.01
Balance due school fund,		$4,360.84

Johnson County.

To levy, &c. (per auditor's report),		$135.90
By apportionment for 151 youth,		335.96
Balance due county,		$200.06

Nemaha County.

To levy, &c. (per auditor's report),		$987.68
By apportionment for 997 youth,		2,173.72
Balance due county,		$1,186.04

Otoe County.

To levy, &c. (per auditor's report),	$2,375.85
By apportionment for 1,240 youth,	2,758.88
Balance due county,	$383.03

Pawnee County.

To levy, &c. (per auditor's report),	$83.12
By apportionment for 243 youth,	540.65
Balance due county,	$457.53

Platte County.

To levy, &c. (per auditor's report),	$47.89
By apportionment for 153 youth,	340.41
Balance due county,	$292.52

Richardson County.

To levy, &c. (per auditor's report),	$408.79
By apportionment for 803 youth,	1,786.59
Balance due county,	$1,377.80

Sarpy County.

To levy, &c. (per auditor's report),	$1,069.60
By apportionment for 357 youth,	794.29
Balance due school fund,	$275.31

Washington County.

To levy, &c. (per county treasurer's report),	$787.48	
Interest collected,	57.13	
Delinquent taxes from Dodge county,	70.19	
Draft on treasurer Dodge county,	144.00	
		$1,058.80
By apportionment for 414 youth,	$921.11	
Draft in favor of Dodge county,	61.51	
		982.62
Balance due school fund		$76.18

In Burt county, owing to an error in the assessment, no taxes were collected.

In Clay county an enumeration of youth was made, but no taxes were levied.

In Cedar county the clerk failed to make any returns.

In Otoe county the county commissioners reduced the territorial school tax to 1½ mills; the full amount was, however, charged to the county.

REVENUE FOR 1860-61.

Territorial school tax, levied for the current year, is charged to the several counties, according to the equalized assessments, as follows:

Burt county,	$153.68
Cass,	1000.00
Cedar,	38.10
Dakota,	156.30
Dixon,	30.43
Dodge,	80.64
Douglas,	1000.00
Gage,	47.12
Johnson,	61.43
Nemaha,	700.00
Otoe,	1491.35
Pawnee,	106.65
Platte,	55.25
Richardson,	500.00
Sarpy,	500.00
Washington,	431.38
Total,	$652.23

ENUMERATION

Of youth for the current year is as follows:

	Males.	Females.	Total.
Burt county,	60	55	115
Calhoun,	10	7	17
Cass,	601	504	1106
Cedar,	42	36	78
Clay,	42	32	74
Cuming,	14	15	26
Dakota,	170	130	300
Dixon,	35	42	77
Dodge,	44	43	87
Douglas,	452	437	889
Gage,	98	32	120
Johnson,	73	51	124
Nemaha,	491	426	917
Otoe,	625	597	1222
Pawnee,	128	121	249
Richardson,	336	293	629
Sarpy,	197	196	393
Washington,	253	200	453
Platte.	92	61	153
Total,	3763	3278	7041

This Report should have been sent to the legislature at the commencement of the session, with the reports of other territorial officers; it however, could not be done as almost all the county returns upon which to base a general report, were not made until the expiration of the time allowed by law, and many of them not until after that day—the 20th of December. The reports from Sarpy county did not reach my office until after January 1st, and part of the Douglas county reports were not received until yesterday (January 7th). The necessity of a modification of the law, so as to require reports to be made to this office in time for the Annual Reports to be made at the beginning of the session, is apparent to all and needs no argument from me in its favor.

I have found, in many cases, such a vagueness exists in the law bearing upon the subject that justices of the peace, and other officers whose duty is to collect fines and other moneys belonging to the school fund, either neglect their duty in collecting the fines, or having collected them, make no returns to the proper officers, and the amounts are consequently lost to the school fund. All justices of the peace, and clerks of courts, should be by law compelled to make reports at stated times, and to pay over to the proper officers, all moneys collected by them, under a penalty for neglect.

A law, approved January 13th, 1850, requires the Territorial Commissioner to investigate the official acts, and settle the accounts of former county superintendents. This act needs some amendments. In the investigation of the accounts of some of the former superintendents, I have found evidences of their having received nearly nine hundred dollars ($900) for the expenditure of which I can find no vouchers. The district attorneys have declined to prosecute these cases, because there are no fees for the service provided by law. If I had the authority to employ counsel to prosecute, or if fees were provided for the district attorneys, the sum above named *could be secured.*

There should be some more certain means devised for the collection of the revenue arising from fines, etc. In one of the counties, a fine was imposed of $200, which belongs to the school fund, but which we are unable to collect, because the county has no jail in which to confine the defendant, and he has no property in his own name which can be taken. He offers, however, if a bond and mortgage upon real estate will be taken, to secure the payment of the fine, and interest at 10 per cent per annum (payable semi-annually). If this arrangement could be made, this fine and other amounts due the school fund might be recovered, otherwise we shall never get them.

There appears to be an indefiniteness in the license laws, which gives room for conflict between the city and county authorities. As for instance, the Board of Aldermen at Nebraska city, for the year 1859, authorized the city treasurer to receive the "city scrip" for license fees, against, at least, the implied intent of the law. This scrip is worth from twenty-five to thirty cents on the dollar, and the city declines being responsible to the school fund for its par value.

The necessity for having a volume of the school laws printed for the use of school officers in the territory is sufficiently set forth by the difficulty they have found in performing their duties. Soon after I assumed the duties of my office, I prepared a volume with notes, explanations, instructions and forms, and advertised for proposals for printing it. R. W. Furnas, of Brownville, being the lowest bidder, the work was awarded to him. Before it was sent to the printer, however, the discovery was made by several legal minds, that the law had no provision for defraying the expense, although my views at that time were that any law requiring work of that character to be done, necessarily carried with it the authority to pay for it. However, as it would have involved a law suit and much delay in getting the laws into the hands of the people, and the necessity for amendments were becoming more and more apparent, I abandoned the idea of publication at that time, and now present the laws with a full set of marginal notes, forms, etc., as a part of this report, and earnestly request the passage of an order for their immediate publication.

School Lands.

In accordance with "An act to provide for the selection of lands in lieu of sections 16 and 36, in cases where said sections, or parts thereof have been sold," approved January 13th, 1860, I have selected in the

Dakota Land District.

In lieu of School lands entered,	3,659	acres.
To supply deficiencies in fractional townships,	849	"
Total acres selected,	4,509	

South Platte Land District.

In lieu of lands entered,	3,084.60	acres.
For fractional townships,	800	"
Total acres selected,	3,884.60	

Nemaha Land District.

In lieu of lands entered,	960	acres.
To supply fractional townships,	480	"
Total acres selected,	1,440	

Total number of acres selected,	9,833.60	
Of which there were reserved in the Nemaha district before my selections were made,	1,280	
Total,	8,553.60	acres.

My account against the Territory for expenses connected with the selections, was $262, which was allowed in Territorial warrants, and on which owing to their depreciated value I realized $150.

Should Congress make an appropriation of school lands in lieu of sections 16 and 36, lying within the Half-breed tract, and fractional townships, as asked for in the memorials of the present Legislature, it will be necessary to select 20,000 acres more.

According to the instructions of the land officers at Washington, the selections had to be made in the same townships in which the deficiency occurred, if practicable, or if good lands were not to be found therein, then in the adjacent township. This required much travel, from the fact that the lands lay far apart, in the South Platte land district, as far as 60 miles west from the river.

The work was delayed from the fact that there was no special officer to give it his attention, until the Commissioner was required to do so, and in the mean time, the best tracts of land near to those for which selections were to be made, had nearly all been taken up. The consequence was that a surveyor had to be employed, and a careful examination of the vacant land made, before we were allowed to record the selections. I believe that the selections which I have made are of the best lands that could be found, and that they will be of great benefit to the school fund of the Territory.

I again call the earnest attention of the Legislature to the fact that very many entries of school land which have been made, are fraudulent and can be easily broken if proper authority is given to call and pay witnesses, and to pay an attorney.

There is no question in my mind of the illegality of a number of the entries in each of the land districts, and had I the power to compel the attendance of witnesses, I am sure that I can prove enough to cause the cancellation of almost all of them, and which if we could secure them, would be of vastly more value than the selections made in lieu of them, which would of course, be erased from the Plat Books on the cancelment of the entries.

An eighty acre tract near Nebraska city, worth at least one hundred dollars per acre had been entered fraudulently, but by the exertions of Wm. R. Craig, while superintendent of schools in Otoe county, through the instrumentality of Messrs. Young & Niles, of Washington city, the entry was cancelled, and this valuable tract recovered to the school fund. I will here remark, that the firm above alluded to, acted upon a contract with the superintendent of Otoe county, and were promised a fee of three hundred dollars if successful. Their bill has never been paid, and, as it is eminently a just one, I would recommend that an appropriation be made to pay it.

All of which is, with the accompanying documents, respectfully submitted. W. E. HARVEY, Commissioner.

On motion,
Council adjourned. E. P. Brewster, Chief Clerk.

COUNCIL CHAMBER,
Thursday, Jan. 10th, 1861.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal corrected and approved.

Mr. Little presented a petition from the citizens of Kearney county relative to the killing of buffalo.

On motion,

Referred to the Committee on Military Affairs.

Mr. Elbert introduced

C. B. No. 99, "Joint resolution in favor of R. S. Knox."

Read first time.

On motion,

Rules suspended, and resolution read second and third time.

Passed and title agreed to.

Mr. Dundy reported back

H. F. No. 58, "A bill for an act providing for the copying of the laws and journals of the Council and House of Representatives of the Territory of Nebraska,"

With amendments and recommended its passage.

On motion,

Report adopted, and

Bill read third time.

Passed and title agreed to.

H. F. No. 48, "A bill for an act concerning the acknowledgments of conveyancing of real estate."

Read first time.

H. F. No. 183, "A bill for an act in relation to estrays."

Read first time.

On motion,

Rules suspended and bill read second and third time.

Passed and title agreed to.

H. F. No. 181, "A bill to regulate the toll of millers."

Read first time.

H. F. No. 184, "A bill for an act to confirm the official acts of the county commissioners of Dodge county and for other purposes."

Read first time.

H. F. No. 126, "A bill for an act to incorporate the Omaha gas light company."

Read first time.

H. F. No. 182, "A bill to provide for special terms of the supreme court."

Read first time.

H. F. No. 185, "A bill for an act relating to the stay law."

Read first time.

H. F. No. 165, "An act to incorporate the Prospect Hill cemetery of the city of Pawnee."

Read second time.

H. F. No. 171, "An act to exempt the counties of Burt, Dakota and Platte from the operations of certain sections of an act to prevent the overdrawing of public funds in counties."

Read second time.

H. F. No. 173, "A bill to authorize T. C. Wood and others to keep a mill-dam across the north fork of the Great Nemaha river, in Pawnee county."

Read second time.

On motion,

Rules suspended, read third time.

Passed and title agreed to.

H. F. No. 152, "A bill for an act to provide for the publication of the general laws in one newspaper printed at the Capital."

Read second time.

H. F. No. 143, "An act for the relief of William Sexaur."

Read second time.

Mr. Marquette moved to refer it to the Committee on Expenditures.

Mr. Strickland demanded a call of the Council.

All present.

On motion,

All further proceedings under the call dispensed with.

Ayes and nays demanded upon motion to refer.

Ayes—Messrs. Dundy, Elbert, Marquette, Tipton and Mr. President.—5.

Nays—Messrs. Belden, Bennett, Goss, Little, Strickland, Taffe, Thayer and Unthank.—8.

Lost.

Mr. Strickland moved to refer to a select committee with instructions to report back this afternoon.

Carried.

Messrs. Strickland, Elbert and Marquette were appointed said committee.

H. F. No. 155, "An act to confirm the title of Henry Brown, to certain real estate in the city of Omaha."

Read second time.

On motion of Mr. Strickland,

Referred to a select committee of three consisting of

Messrs. Belden, Thayer, and Little.

H. F. No. 166, "An act to legalize the tax levy of A. D. 1860, in Douglas county, Nebraska."

Read second time.

H. F. No. 159, "Joint resolution for the relief of A. D. Luce."

Read second time.

On motion,

Referred to select committee, consisting of

Messrs. Unthank, Dundy and Tipton,

With instructions to report on the same this afternoon.

Mr. Elbert offered a substitute for

C. B. No. 90, "Joint resolution relative to public printing."

Read third time.

Passed and title agreed to.

Message from the House:

HOUSE OF REPRESENTATIVES,
Jan. 10th, 1861.

Mr. President:

I am instructed to inform your honorable body that the House have passed:

H. F. No. 187, "A bill for an act to amend the code of civil procedure."

I am also instructed to inform your honorable body that the House have concurred in the amendments proposed by the Council to

H. F. No. 6, "A bill for an act to abolish the office of Territorial School Commissioner."

GEO. L. SEYBOLT, Chief Clerk.

H. F. No. 134, "A bill for an act to amend 'An act for opening, repairing and locating county roads,' " approved January 26th, 1856.

Read third time.

Passed and title agreed to.

H. F. No. 31, "A bill for an act respecting elections."

Read second time.

H. F. No. 162, "Memorial and joint resolution relative to a land grant for the growing of timber thereon."

Read second time.

On motion,

Rules suspended, and bill read third time.

Passed and title agreed to.

H. F. No. 29, "An act to regulate the manner of assessing real estate."

Read third time.

Mr. Tipton moved that the bill be recommitted to a select committee with instructions to report back with certain amendments this afternoon.

Carried.

Messrs. Tipton, Goss and Belden appointed such committee.

H. F. No. 144, "A bill for an act to authorize E. Hicks Clark and J. P. Andrews to keep a ferry across the Missouri river at Fort Calhoun."

Read third time.

Passed and title agreed to.

H. F. No. 94, "An act to locate a territorial road from St. Johns to Ionia, Nebraska."

Read third time.

Passed and title agreed to.

H. F. No. 33, "A bill for an act to repeal certain acts passed in the year 1860."

Read third time.

Ayes and nays demanded upon its passage.

Ayes—Messrs. Dundy, Marquette, and Mr. President.—3.

Nays—Messrs. Belden, Bennett, Goss, Little, Strickland, Taffe, Thayer, Tipton and Unthank.—9.

Lost.

The select committee to which was referred

"A bill for an act to confirm the title of Henry Brown to certain real estate in the city of Omaha,"

Beg leave to report the same back without amendment, and recommend its passage.

D. D. Belden,
J. M. Thayer,
Wm. A. Little.

On motion,

Report adopted.

On motion,

Bill read third time.

Passed and title agreed to.

Mr. Dundy introduced

C. B. No. 100, "A bill to confer on justices of the peace jurisdiction in cases of misdemeanor, and to require prosecutors to pay costs in certain cases."

Read first time.

On motion,

Rules suspended, and bills read second and third time by title.

Passed and title agreed to.

On motion of Mr. Strickland,

The vote by which C. B. No. 100 was passed, was reconsidered.

On motion of Mr. Dundy,

The bill was referred to a select committee, with instructions to report the same back to the Council with certain amendments, this afternoon.

Messrs. Belden and Strickland were appointed such committee.

H. F. No. 86, "A bill for an act changing the southern and western boundary of Platte county," was

On motion of Mr. Little,

Referred to a select committee of one, consisting of Mr. Unthank, with instructions to report the same back to the Council this afternoon.

H. F. No. 187, "A bill for an act to amend the code of civil procedure."

Read the first time.

C. B. No. 52, "A bill for an act to dissolve the bonds of matrimony between Jennie Higgins and James A. Higgins."

Read third time.

Passed and title agreed to.

The special committee to which was referred

H. F. No. 29, "A bill for an act to regulate the manner of assessing real estate."

Reports the following as a substitute for sec. 1:

"Be it enacted by the Council and House of Representatives of the Territory of Nebraska, That in the assessment of real estate, the assessor shall not value the same higher by reason of any improvements thereon, unless such improvements shall exceed in value the sum of one thousand dollars, in which case the excess above one thousand dollars shall only be assessed."

T. W. Tipton,
John Q. Goss,
D. D. Belden.

Report adopted.

On motion,

Read third time.

Passed and title agreed to.

On motion,

Council took a recess until half past 2 o'clock P. M.

Afternoon Session.—2½ o'clock P. M.

Council met.

President in the chair.

H. F. No. 182, "A bill to provide for special terms of the supreme court in certain cases."

Read the second time.

On motion,

Rules suspended, and bill read third time.

Passed and title agreed to.

Mr. Unthank offered the following:

Resolved, That the Select Committee to whom was referred H. F. No. 159, are hereby authorized and empowered to send for persons and papers, and examine witnesses under oath.

On motion,

Resolution adopted.

H. F. No. 148, "An act to authorize James Spratlan to keep a ferry across the Missouri river at Rock Bluffs."

Read third time.

Passed and title agreed to.

H. F. No. 171, "An act to exempt the counties of Burt, Dakota and

Platte from the operations of certain sections of an act to prevent overdrawing of public funds in counties."

Read third time.

Passed and title agreed to.

Mr. Thayer, chairman of the Committee on Library, submitted a report.

Mr. Little objected to its consideration.

Laid over under the rules.

On motion of Mr. Goss,

The amendments reported by the Committee of Whole to C. B. No. 9, were

Adopted.

C. B. No. 9, "An act to conform the practice of the district court in chancery to common law cases."

Read third time.

Call of the Council demanded.

Absent—Messrs. Strickland and Bennett.

On motion,

The Sergeant-at-Arms dispatched after absentees.

On motion,

All further proceedings under the call dispensed with.

Ayes and nays demanded upon the passage of C. B. No. 9.

Ayes—Messrs. Belden, Bennett, Dundy, Goss, Marquette, Strickland, Thayer, Tipton and Unthank.—9.

Nays—Messrs. Elbert, Little, Taffe and Mr. President.—4.

Carried.

On motion,

Title agreed to.

Mr. Strickland moved that.

H. B. No. 143, "A bill for the relief of William Sexaur,"

Be read a third time to-morrow and put upon its passage, and that the majority of the select committee raised to-day to report upon the above bill, be granted leave to report to-morrow, and have the same spread upon the journals as of to-day's proceedings.

Carried.

Mr. Strickland introduced,

C. B. No. 101, "A joint resolution for the relief of L. G. Jeffers."

Read first time,

On motion,

Rules suspended, read a second and third time by title.

Passed and title agreed to.

The minority of the select committee to which was referred

H. F. No. 143, "A bill for the relief of William Sexaur,"

Report that they have had the same under consideration and have taken upon oath the following testimony hereto annexed, and made a part of this report, and which is as follows, to wit:

Before the select committee to which was referred the claim of Wm. Sexaur against the Territory of Nebraska, entitled "An act for the relief of William Sexaur."

J. E. Burbank appointed clerk of the committee.

The following testimony was taken:

William J. Kennedy being duly sworn, deposeth and saith as follows: That William Sexaur furnished two horses and a wagon, also one driver for the same, on or about the last of July 1859, at the request of the Governor of this Territory, for the purpose of transporting arms and ammunition for the use of the expedition against the Pawnees.

The horses, wagon and driver were retained in the service until they were discharged at Columbus, being in service about twenty-two days.

The animals were unfit for use at the time of their discharge; I left them at the town of Columbus, on the night of our discharge; they were alive but unfit to draw an empty wagon; I was satisfied that one of them would not live to get home, the other might; two days after I got home, I was informed that one of them did die between here and Elkhorn city; the wagon capsized with all the arms that was in it, but I do not know what damage it sustained.

When we started they were apparently good draught horses, able to stand through the service; don't know the ages of the horses, and do not know what they were worth; these horses were injured in this expedition, and every other horse that was in the expedition was injured, the service being such that they could not escape injury.

(Signed.) William J. Kennedy.

Subscribed in my presence, and sworn to before me, this the 10th day of January, A. D. 1860.

Attest. Silas A. Stricklad,
J. Edward Burbank, Chairman Select Committee.
Clerk of Committee.

William Sexaur sworn, says: That the horse that was injured was worth $125, and the one that died was worth $150; I was offered $150 for the latter by Mr. Baugh; the horse that was injured was damaged between $75 and $80 in this expedition; the wagon was likewise damaged in the expedition $15 worth, which I paid for repairs, and I paid the driver $15 for his services in the same expedition.

(Signed.) William Sexaur.

Subscribed in my presence and sworn to before me this the 10th day of January, A. D. 1860. S. A. Strickland,
Attest, Chairman of Select Committee.
J. Edw. Burbank, Clerk of Com.

Therefore the committee would report the bill back to the Council for the further consideration thereof.

Silas A. Strickland, Chairman.

The select committee to whom was referred
C. B. No. 100, "A bill to confer on justices of the peace jurisdiction

in cases of misdemeanor and to require prosecutors to pay costs in certain cases,"

Have had the same under consideration and report it back with an additional section and recommend its passage as amended.

E. S. DUNDY,
D. D. BELDEN,
S. A. STRICKLAND.

Report adopted.

On the final passage of the bill

The ayes and nays were demanded.

Ayes—Messrs. Belden, Bennett, Dundy, Goss, Tipton, Unthank and Mr. President.—7.

Nays—Messrs. Elbert, Little, Marquette, Taffe and Thayer.—5.

Passed.

On motion,

Title agreed to.

H. F. No. 126, "A bill for an act to incorporate the Omaha gas light and coke company."

Read second time,

On motion.

Rules suspended and bill read third time by title.

Ayes and nays demanded upon its passage.

Ayes—Messrs. Taffe, Thayer and Unthank.—3.

Nays—Messrs. Belden, Bennett, Dundy, Elbert, Goss, Little, Marquette, Tipton and Mr. President.—9.

Lost.

The select committee to which was referred

H. F. No. 86, "A bill for an act changing the southern and western boundary of Platte county,"

Have had the same under consideration and beg leave to report it back and recommend its passage, J. A. UNTHANK, Chairman.

Report adopted.

On motion.

Bill was read third time.

Passed and title agreed to.

On motion,

The Council concurred in the amendments of the House to

C. B. No. 93, "A bill for an act to amend 'An act to incorporate the city of Plattsmouth,'" approved March 4th, 1855.

On motion.

Council took a recess for half an hour.

Time having expired, Council met.

President in the chair.

Message from the House:

HOUSE OF REPRESENTATIVES,
January 10th, 1861.

Mr. President:

I am instructed to inform your honorable body that the House have passed

H. F. No. 176, "A bill for an act to amend an act entitled 'An act providing for the better regulation of schools in Nebraska,'" approved Nov. 4th, 1858.

Also,

"An act to amend 'An act for the regulation of schools in Nebraska,'" approved Nov. 4th, 1858, approved Jan 13th, 1860.

And,

H. F. No. 186, "A bill for an act to exempt a certain amount of property,"

H. F. No. 188, "A bill for an act to amend an act entitled "An act to consolidate Nebraska city, South Nebraska city and Kearney city," approved December 31st, 1857,

And your concurrence therein is respectfully requested.

I also return you herewith

C. B. No. 72, "A bill for an act to confirm the title to real estate in Nebraska city,"

The same having passed the House without amendment.

I also return you

C. B. No. 98, "An act defining the duties of judges of the district courts in certain cases,"

The same having passed the House with certain amendments attached thereto, and your concurrence is solicited.

I am also instructed to inform your honorable body that the House have adopted the report of the committee of conference on

"A bill for an act to amend an act entitled 'An act to license and regulate the sale of malt, spiritous and vinous liquors in the territory of Nebraska,'" approved Nov. 4th, 1858.

I am also instructed to inform your honorable body that the House have refused to concur in the amendments of the Council to

H. F. No. 29, "An act to regulate the manner of assessing real estate."

GEO. L. SEYBOLT, Chief Clerk.

H. F. No. 29, "An act to regulate the manner of assessing real estate,"

Was taken up.

Upon the question, "Shall the Council insist upon its amendments to the bill?"

The Council resolved unanimously to insist upon the amendments.

On motion,

Messrs. Goss and Tipton were appointed a committee on the part of the Council to confer with a like committee on the part of the House in reference to the disagreements of the two Houses on the bill.

H. F. No. 188, "A bill for an act amend an act entitled 'An act to consolidate Nebraska city,'" approved December 31st, 1857.

Read first time.

On motion,

Bill read second and third time by title.

Passed and title agreed to.

H. F. No. 186, "A bill for an act to exempt a certain amount of property."

Read first time.

Message from the House:

House of Representatives,
Jan. 10th, 1861.

Mr. President:

I am instructed to return to your honorable body

C. B. No. 90, "Joint resolution relative to public printing,"

It having passed the House without amendment.

Geo. L. Seybolt, Chief Clerk.

H. F. No. 176, "A bill for an act to amend an act entitled 'An act providing for the better regulation of schools in Nebraska,'" approved November 4th, 1858;

And also,

"An act to amend an act for the regulation of schools in Nebraska," approved November 4th, 1858; approved January 13th, 1860.

Read first time.

Mr. Taffe, from the Judiciary Committee, made a report (which can not be found) which was laid over under the rules.

Message from the Governor:

Executive Chamber,
Jan. 10th, 1861.

Mr. President:

The Governor directs me to inform your honorable body that he has signed and approved the following bills:

"An act to incorporate the Nemaha agricultural society in Richardson county."

"Joint resolution to pay the page of the Council."

"An act authorizing the county commissioners of Sarpy county to issue county bonds for certain purposes."

John McConihe,
Private Secretary.

The Committee on Engrossed and Enrolled Bills reported back as correctly enrolled.

"An act to amend an act entitled 'An act to license and regulate the sale of malt, spirituous and vinous liquors in the Territory of Nebraska'" approved Nov. 4th, 1858.

Also,

"An act to conform the practice of the district court in chancery to common law practice,"

As correctly engrossed.

J. M. Thayer,
D. D. Belden.

H. F. No. 186, "A bill for an act to exempt a certain amount of property."

Read second time.

On motion,

Rules suspended and read third time by its title.

Ayes and nays demanded upon its passage.

Ayes—Messrs. Bennett, Elbert, Goss, Marquette, Strickland, Thayer, Tipton, Unthank and Mr. President.—9.

Nays—Messrs. Belden, Dundy, Little and Taffe.—4.

Passed.

On motion,

Title agreed to.

Mr. Little moved to reconsider the vote by which the Council concurred in the amendments of the House to

C. B. No, 98, "An act defining the duties of judges of the district court in certain cases."

Carried.

Question now was, "Shall the Council concur?"

Lost.

On motion,

A committee of conference on the part of the Council, consisting of Messrs. Belden and Elbert, was appointed to confer with a like committee on the part of the House, in reference to said bill.

Mr. Unthank from the select committee, to which was referred

H. F. No. 159, "Joint resolution for the relief of A. D. Luce,"

Submitted a report which was

Laid over under the rule.

Mr. Unthank offered the following resolution:

Whereas, It has been reported that the arms belonging to this Territory have been taken from this Territory for sale;

Therefore, be it resolved, That the Committee on Military Affairs be instructed and are hereby authorized to send for persons and papers and examine witnesses under oath, and report their action to the Council tomorrow morning.

On motion,

Resolution adopted.

The Committee on Engrossed and Enrolled Bills have this day presented, correctly enrolled, the following acts, to the Governor, for his approval or rejection:

"An act to incorporate the Nemaha agricultural society, in Richardson county."

"An act to incorporate the Pacific telegraph company."

"An act to authorize the county commissioners of Sarpy county to issue county bonds for certain purposes."

"Joint resolution to pay the page of the Council."

JNO. M. THAYER,
D. D. BELDEN.

On motion,
Council adjourned.

E. P. BREWSTER, Chief Clerk.

COUNCIL CHAMBER,
Friday, Jan. 11th, 1861.

Council met pursuant to adjournment.
President in the chair.
Prayer by the Chaplain.
Journal read and approved.
Mr. Belden introduced
C. B. No. 102, "An act respecting masters in chancery and their fees."
Read the first time.
Rules suspended; read a second and third time.
Passed and title agreed to.

H. F. No. 148, "A bill for an act to authorize James Spratlan and Abraham Roberts to keep a ferry across the Missouri river at Rock Bluffs."

Read a second time.
Rules suspended; read a third time.
Passed and title agreed to.

H. F. No. 48, "A bill for an act concerning the acknowledgment of conveyance of real estate."

Read a second time.
Mr. Belden moved to lay upon the table.
Carried.
H. F. No. 181, "A bill to regulate the toll of millers."
Read a second time.
Rules suspended.
Read a third time.
Passed and title agreed to.

H. F. No. 169, "A bill for refunding to the several counties a portion of the territorial taxes for the year 1860."

Read a third time.
Ayes and nays demanded upon its passage.

Ayes—Messrs. Bennett, Dundy, Elbert, Goss, Marquette, Strickland, Tipton and Mr. President.—8.

Nays—Messrs. Belden, Little, Taffe, Thayer and Unthank.—5.

Passed and title agreed to.

H. F. No. 184, "A bill for an act to confirm the official acts of the county commissioners of Dodge county, and for other purposes."

Read a second time.

H. F. No. 152, "A bill for an act to provide for the publication of the general laws in one newspaper published at the Capital."

Read a third time.

Ayes and nays demanded upon its passage.

Ayes—Messrs. Bennett, Dundy, Elbert, Goss, Marquette, Tipton and Mr. President.—8.

Nays—Messrs. Belden, Little, Taffe, Thayer and Unthank.—5.

Passed and title agreed to.

The following message received from the House:

HOUSE OF REPRESENTATIVES,
Jan. 11th, 1861.

Mr. President:

I am instructed to inform your honorable body that the House have passed the following bills:

H. F. No. 91, "An act to legalize the election of county officers in Buffalo county."

H. F. No. 77, "An act to amend an act entitled 'An act to apportion the members of the House of Representatives of the Territory of Nebraska.'"

And respectfully ask your concurrence therein.

I am also instructed to return herewith

C. B. No. 52, "An act to dissolve the bonds of matrimony between Jennie Higgins and James A. Higgins."

C. B. No. 100, "A joint resolution for the relief of L. G. Jeffers,"

The same having passed the House without amendment.

I am also instructed to inform you, that the House has concurred in the amendment proposed by the Council to

H. F. No. 59, "A bill for an act to create the office of prosecuting attorney and abolish the office of district attorney."

H. F. No. 58, "An act to provide for the copying the laws and journals of the Council and House of Representatives of the seventh session of the Legislative Assembly of the Territory of Nebraska."

I am instructed to return to your honorable body

C. B. No. 99, "Joint resolution in favor of Robert S. Knox,"

The same having passed the House without amendment.

GEORGE L. SEYBOLT, Chief Clerk.

H. F. No. 77, "An act to amend an act, entitled 'An act to apportion the members of the House of Representatives of the Territory of Nebraska."

Read the first time.

Mr. Elbert objected to the further reading of the bill to-day.

Mr. Unthank offered the following resolution:

Resolved, That His Excellency, Samuel W. Black, be requested to report to this body the number of arms and accoutrements received by him for the use of the Territory during the past two years and the number belonging to the Territory at the time he came into office, as shown by receipts.

Mr. Strickland objected to the further proceeding of the same today.

Council concurred in 1st and 2d amendments made to

C. B. No, 93, "A bill to amend the city of Plattsmouth,"

And refused to concur in the 3d and 4th amendments made by the House to said bill.

The Committee on Library made the following report:

The Committee on the Library beg leave to report back

H. F. No. 18, "To abolish the office of Territorial Librarian,"

And recommend that the word "forthwith" be stricken out of the 7th line of section 2, and that the following be substituted: "That this act shall be in force from and after the expiration of the term of office of the present Librarian." J. M. Thayer, Chairman.

Report adopted.

H. F. No. 18, "A bill for an act to abolish the office of Territorial Librarian."

Read a third time, as amended.

Passed and title agreed to.

H. F. No. 122, "A bill regulating the fees of masters in chancery,"

Indefinitely postponed.

H. F. No. 165, "A bill to incorporate Prospect Hill cemetery of the city of Pawnee."

Read third time.

Bill passed and title agreed to.

H. F. No. 187, "A bill for an act to amend the code of civil procedure."

Read second time.

On motion of Mr. Belden

H. F. No. 98, "An act defining the duties of judges of the district court in certain cases."

Laid upon the table.

H. F. No. 185, "A bill for an act relative to the stay law."

Read second time.

The following message was received from the House:

House of Representatives,
Jan. 11th, 1861.

Mr. President:

I am instructed to return to your honorable body

C. B. No. 99, "Joint resolution in favor of Robert S. Knox."

The same having passed the House without amendment.

Geo. L. Seybolt, Chief Clerk.

H. F. No. 171, "An act to exempt the counties of Burt, Dakota and

Platte from the operation of certain sections of 'An act to prevent overdrawing public funds."

Was amended by striking out the word "Dakota" wherever it occurs, and insert "Richardson."

Adopted.

Read a third time.

Passed and title agreed to.

Call of the House demanded.

Absent—Messrs. Strickland and Elbert.

Sergeant-at-Arms dispatched after absentees.

Messrs Strickland and Elbert appeared within the bar.

All further proceedings under the call dispensed with.

The following message received from the Governor:

Executive Chamber,
Jan. 11th, 1861.

Mr. President:

And Gentlemen of the Council:

I am instructed by the Governor to return to your honorable body "An act to restore the rights of citizenship to Stephen G. Moran."

And to announce the following message embodying his objections thereto.

John McConihe,
Private Secretary.

Gentlemen:

At the September term of the Richardson county court, Stephen G. Moran was indicted for the murder of David Hodgins, and being tried he was found guilty of manslaughter.

This act declares that he was "thereby deprived of his rights of citizenship," and proposes to restore him to these rights and "all things pertaining thereto." It may perhaps turn out that the conviction has not deprived him of his rights of citizenship, and that this unusual legislation is altogether gratuitous and unnecessary.

Why is this man's case brought before your body for a legislative endorsement? Has it been well examined, and have you found that it commends itself to this extraordinary interposition? If so, your information is the very reverse of the best and most reliable that I have been able to obtain. The indictment was for murder, the conviction, manslaughter, and I do not hesitate to say, that if there was any error in the finding, that error was not against the defendant. On the contrary, he escaped remarkably well.

In the preamble to this act you have inadvertently fallen into a misstatement, which it is due to the judge who tried the case, should be corrected. The preamble sets forth that the defendant was "sentenced *by the court* to ten days' imprisonment."

This is not so. By the Criminal Code of 1858 (which has some serious defects, and this is one of them), it is provided that in all cases when the punishment shall be by confinement in the penitentiary, *the jury* shall say in their verdict for which term the offender shall be confined, and the court in pronouncing sentence shall designate the portion of time such offender shall be confined in solitary imprisonment, and what portion to hard labor."

Thus it appears that the jury and not the court are responsible for this singular and unheard of sentence. The court has no power except to apportion the time between solitary confinement, and imprisonment at hard labor. *Ten days'* imprisonment for felonious homicide was the finding of the jury, and not the sentence of the court. It is not fair to publish by enactment or preamble, that a learned and upright judge is responsible for a sentence over which he had no control, as to the *time*, and which, I have good reason to believe, he regards as a mockery of justice. To convict a defendant of voluntary manslaughter and assess the punishment at ten days' imprisonment, *in any case*, is a cruel and expensive joke on the public peace and safety.

This is the last day of your session and this communication is about the last I shall ever have the opportunity to submit to the Legislative Assembly. When I had the honor to occupy a seat on the bench, I trust I was persevering and firm in vindicating the great right of protection to life which the law extends to every human being. The position then occupied, I am unwilling to change, even by a distant and remote conviction. Wherefore this bill, which seems to excuse, if it does not justify a felonious homicide, is not approved. SAM. W. BLACK.

Gov. of Nebraska.

EXECUTIVE CHAMBER, Jan. 11th, 1861.

Mr. Strickland moved that

H. F. No. 31, "A bill for an act regulating elections in the Territory of Nebraska,"

Be indefinitely postponed.

Ayes and nays demanded.

Ayes—Messrs. Belden, Bennett, Elbert, Goss, Marquette, Tipton and Mr. Speaker.—7.

Lost.

Mr. Strickland moved that the bill under consideration be postponed until to-morrow at 12 o'clock.

Ayes and nays demanded.

Ayes—Messrs. Dundy, Little, Strickland and Tipton.—4.

Nays—Messrs. Belden, Bennett, Elbert, Goss, Marquette and Mr. President.—6.

Lost.

Mr. Strickland moved to commit the bill under consideration to the Committee on Elections, with instructions to amend it by striking out all after the enacting clause.

Ayes and nays demanded.

Ayes—Messrs. Little and Strickland.—2.

Nays—Messrs. Belden, Bennett, Dundy, Elbert, Goss, Marquette, Thayer, Tipton and Mr. President.—9.

Lost.

Mr. Strickland moved to refer the bill under consideration to the Committee on Agriculture, with instructions to report the same back at the next session of the legislature.

Ayes and nays demanded on the motion.

Ayes—Messrs. Little and Strickland.—2.

Nays—Messrs. Belden, Bennett, Dundy, Elbert, Goss, Marquette, Taffe, Thayer, Tipton and Mr. President.—10.

Lost.

On motion,

The Council adjourned until half-past 2 o'clock.

Afternoon Session.—2½ o'clock P. M.

Council met pursuant to adjournment.

President in the chair.

Mr. Dundy introduced

C. B. No. 103, "An act to amend an act entitled 'An act securing the benefits of the habeas corpus act,'" approved Nov. 1st, A. D. 1858.

Laid over under the rule.

The following report received from the Committee on Enrolled Bills:

The Committee on Enrolled Bills have presented to the Executive for his approval the following acts correctly enrolled.

"An act providing for the settlement of the estates of decedents, and for other purposes."

"An act to confirm the title to real estates in Nebraska city, N. T., and for other purposes."

"An act to change the geographical limits of the city of Bellevue in Sarpy county, and for other purposes."

"An act to amend the charter of the city of Omaha."

"An act to dissolve the bonds of matrimony between Jennie Higgins and James A. Higgins."

Joint resolution for the relief of L. G. Jeffers."

J. M. Thayer, Chairman.

On motion of Mr. Tipton,

The Chief Clerk was ordered to procure 500 copies of House document No. 3, a report on mines and minerals, for the use of the Council.

H. F. No. 143, "A bill for the relief of William Sexaur."

Read a third time and put upon its passage.

Call of the House demanded..

Absent—Mr. Taffe.

On motion,

The Sergeant-at-Arms was dispatched after absentee.

Mr. Taffe appeared within the bar.

On motion,

All further proceedings under the call were dispensed with.

Ayes and nays demanded on the passage of the bill:

Ayes—Messrs. Belden, Bennett, Goss, Little, Strickland, Taffe, Thayer and Unthank.—8.

Nays—Messrs. Dundy, Elbert, Marquette, Tipton and Mr. President. —5.

Passed and title agreed to.

H. F. No. 191, "A bill to legalize the election of county officers in Buffalo county."

Read the first time.

The following message received from the House:

House of Representatives,
January 11th, 1861.

Mr. President:

I am instructed to inform your honorable body that the House have passed

H. F. No. 190, "A bill for an act supplementary to the fee bill,"

And respectfully ask your concurrence therein.

I also return you herewith

C. B. No. 86, "An act to establish a ferry at St. John's in Dakota county,"

Also,

C. B. No. 100, "A bill to confer on justices of the peace, jurisdiction in cases of misdemeanor, and to require prosecutors to pay costs in certain cases,"

Also,

C. B. No. 102, "An act respecting masters in chancery and their fees,"

The same having passed the House without amendment.

I am also instructed to inform your honorable body that the House have receded from the third and fourth amendments to

C. B. No. 93, "A bill for an act to amend 'An act to incorporate the city of Plattsmouth,' " approved March 14th, 1855.

And also that the House have concurred with the amendments of the Council to

H. F. No. 18, "A bill for an act to abolish the office of Territorial Librarian."

Geo. L. Seybolt, Chief Clerk.

On motion,

H. F. No. 159, "A joint resolution for the relief of A. D. Luce,"

Was laid on the table.

H. F. No. 190, "A bill for an act supplementary to the fee bill," Read the first time.

On motion of Mr. Little,

The figures "$10" in the fifth line of the first section were stricken out and "$2" inserted.

Amendment adopted.

Read a second and third time.

Passed and title agreed to.

On motion,

A committee of two consisting of Messrs. Goss and Dundy were appointed to wait upon the Governor, and ascertain when it would be agreeable to him for the Legislature to adjourn.

The following message was received from the Governor:

EXECUTIVE CHAMBER,
January 11th, 1861.

Mr. President:

And Gentlemen of the Council.

I am instructed by the Governor to inform your honorable body that he has signed and approved the following bills:

"An act provided for the settlement of the estates of decedents, and for other purposes."

"An act to change the geographical limits of the city of Bellevue in Sarpy county, and for other purposes."

"An act to dissolve the bonds of matrimony between Jennie Higgins and James A. Higgins"

"Joint resolution for the relief of L. G. Jeffers."

"Joint resolution in favor of Robert S. Knox."

"An act to confirm the title to real estate in Nebraska city, N. T., and for other purposes."

"An act to consolidate certain actions in the district courts."

"An act to amend an act entitled an act to license and regulate the sale of malt, spiritous and vinous liquors in the Territory of Nebraska," approved Nov. 4, 1858.

JOHN MCCONIHE,
Private Secretary.

Mr. Strickland moved that

H. F. No, 31, "A bill for an act regulating elections in the Territory of Nebraska,"

Be postponed until 8 o'clock next Sunday morning.

Ayes and nays demanded upon the motion.

Ayes—Messrs. Dundy, Elbert, Goss, Little, Strickland, Taffe and Unthank.—7.

Nays—Messrs. Belden, Bennett, Thayer, Tipton and Mr. President. —5.

Carried.

Mr. Goss offered the following resolution:

Resolved, That the thanks of this body are due to and are hereby tendered to E. P. Brewster, chief clerk, and D. H. Wheeler, assistant clerk, and the enrolling and engrossing clerks of the Council, for the very able and efficient manner in which they have discharged the duties of their respective offices.

Adopted.

H. F. No. 176, "A bill to amend an act entitled 'An act providing for the better regulation of schools in Nebraska,'" approved November 4th, 1858.

Also,

"An act entitled an act to amend an act for the regulation of schools in Nebraska," approved January 13th, 1860.

Read third time.

Passed and title agreed to.

Mr. Dundy offered the following resolution:

Resolved, That the thanks of the Council are eminently due, and are hereby tendered to the Hon. William H. Taylor, for the able, efficient and impartial manner in which he has discharged his official duties as president of the Council.

Adopted.

Mr. Tipton offered the following resolution:

Resolved, That W. H. James, sergeant-at-arms, D. C. Slater, doorkeeper, and J. J. Unthank, page, are entitled to the thanks of this Council for the manner in which they have discharged their several duties.

Adopted.

Mr. Dundy introduced the following joint resolution:

Be it Resolved by the the Council and House of Representatives of the Territory of Nebraska, that both branches of the Territorial Legislature will adjourn *sine die* at ½ past 5 o'clock to-night, January 11th, 1861.

On motion,

Council took a recess for 15 minutes.

Council called to order.

President in the chair.

The following message received from the House of Representatives.

House of Representatives,
January 11th, 1861.

Mr. President:

I am instructed to inform your honorable body that the House have passed

C. B. No. 76, "A bill for the relief of King & Wood,"

With certain amendments, which are attached thereto, and ask your concurrence therein.

I am also instructed to inform you that the House has passed

H. F. No. 193, "A bill for an act concerning enclosures and trespassing animals in Pawnee county,"

And respectfully ask your concurrence therein.

GEO. L. SEYBOLT, Chief Clerk.

Mr. Little moved that the Council concur in amendments made by the House to

C. B. No. 76, "An act for the relief of King & Wood."

Carried.

The following message was received from the Governor:

EXECUTIVE CHAMBER,
Jan. 11th, 1861.

Mr. President,

And Gentlemen of the Council:

I am instructed by the Governor to inform your honorable body that he has signed and approved the following acts:

"An act to incorporate the Pacific telegraph company."

"An act to locate a territorial road in Cass county, N. T."

"An act to incorporate the Nebraska city, Fort Kearney and Denver city freight and express company."

"An act to confirm the title to real estate in Nebraska city, N. T., and for other purposes."

"An act to incorporate the South Nebraska rail road company."

"An act to incorporate the Missouri and Western telegraph company."

"An act to confer on justices of the peace jurisdiction in cases of misdemeanor, and to require prosecutors to pay costs in certain cases."

"An act to dissolve the bonds of matrimony between William H. Lyman and Juliette Lyman."

"An act to incorporate the Loup Fork bridge company."

"An act to provide for the publication of the laws of the Territory of Nebraska."

"An act to amend an act entitled an act to incorporate the city of Plattsmouth," approved March 14th, 1855.

"An act to incorporate the Plattsmouth, Fort Kearney, and Denver city rail road company."

"An act to establish a ferry at St. John's in Nebraska Territory.

JOHN MCCONIHE,
Private Secretary.

Report from Committee on Military Affairs.

Mr. President:

The Committee on Military Affairs who were instructed to inquire into the sale or disposal of any arms belonging to the Territory of Nebraska, beg leave to report that they have taken the testimony hereto annexed and which is herewith submitted for the consideration of the Council.

J. M. Thayer, Chairman.
John Taffe,
John A. Unthank.

In the matter of investigation by the Committee on Military Affairs of the Council of the Territory of Nebraska relative to the public honor, Mr. James Creighton was called and sworn:

Question. State what you know, if any thing, as to the sale or other disposition of the public arms of this Territory by private parties.

Answer. Mr. Luce, the Territorial Librarian, admitted to me that he had disposed of by John J. Sutphen, at Denver, ten brace of pistols, and claimed that he had authority from the Governor so to do; that there being no provision for paying any one for taking care of said arms, the Governor made this arrangement with him for his remuneration. This conversation took place the latter part of September or the first of October, last past.

Q. Why did you not give publicity to these facts?

A. It was urged by Democrats, that it might have an effect in the election of Delegate to Congress.

Q. Who were those Democrats?

A. Mr. Luce, Geo. Armstrong, Theodore H. Robertson, John McConihe and others, and I was further assured that after election there would be an investigation of this matter.

Q. State then what you saw and heard at Denver in relation to these arms?

A. I saw at Mr. Dunn's, in Denver, some pistols which he stated he bought of John J. Sutphen. There were two or four dragoon pistols. He said that Sutphen represented to him that he got them of the Governor of Kansas, and further stated that he knew they had been stolen but got them cheap, and that they did not stand on such matters much. That he paid Sutphen fifteen dollars apiece for them, which he considered a low price for them.

Q. How do you know how John J. Sutphen came in possession of thes arms?

A. I was told by DeWitt C. Sutphen that he got them by an order from Luce from the Capitol building and delivered them to John J. Sutphen, and that his brother John J. Sutphen disposed of them by a power of attorney from Mr. Luce, and since his return from Denver had settled with Luce for the pistols. He also stated that he got from the Capitol building fourteen brace but that two of them were his own.

Q. What is the occupation of Theodore H. Robertson before referred to?

A. He is editor of the Omaha Nebraskian.

Q. Do you know what the occupation of John McConihe is?

A. I believe from public rumor that he is Private Secretary of the Governor of this Territory.

James Creighton, Jr.

Sworn to and subscribed before me this 10th day of January, 1861.

JOHN M, THAYER,
Chairman Com. on Military Affairs.

THOS. RILEY sworn, says:

Q. Have you heard the testimony of James Creighton, Jr., given before this committee of investigation?

A. I have.

Q. Were you present at a conversation between Mr. Luce and Mr. Creighton, alluded to in Mr. Creighton's testimony; and if so, state your recollection of it?

A. I was. Mr. Luce admitted to Mr. Creighton and myself that he had made an arrangement with the Governor to take charge of the arms and the Governor was to pay him a certain amount, and was to pay him out of the arms. I asked Mr. Luce if the Governor had a right to dispose of them as he saw fit?

Q. Do you remember what number Mr. Luce said he had disposed of?

A. I do not remember distinctly, but think he said fourteen or twenty pistols. This was about the last of September or first of October, 1860.

Q. Had you any other conversation at any other time with Mr. Luce relative to this matter? and if so, what was the purport of it?

A. I had; before the conversation above referred to, I went to see Mr. Luce, having had a conversation with Mr. Creighton in reference to this matter. When I first questioned him on this subject, he denied having disposed of the arms. I told him Mr. Creighton was going to have this matter published, and that it would injure Mr. Morton's election for delegate to Congress. He told me Mr. Morton had nothing to do with it as he knew nothing about it, that the Governor was the man who had charge of the arms. We called upon Mr. Creighton and there he made the statements and admissions before referred to.

Q. Did Mr. Luce state to you that he held any obligations against either or both of the Sutphens mentioned in Mr. Creighton's testimony.

A. He did. He said he held a joint note for five hundred dollars.

Q. Do you know anything abont the consideration of that note?

A. I do not. I know of no business transactions between them, except as herein before mentioned. These conversations above referred to took place in Omaha city, Nebraska Terrritory. THOMAS RILEY.

Sworn to and subscribed before me this 10th day of Jan, 1861.

JOHN M. THAYER, Chairman
Committee on Military Affairs.

JAS. CREIGHTON called and sworn.

Q. Were you engaged in freighting to Denver during the last season?

A. I was.

Q. Did you take any freight from Omaha to Denver for John J. Sutphen, and if so, state of what it consisted?

A. I did; I took one box weighing I think one hundred and forty-six pounds; its dimensions I should suppose were twelve by twenty-two inches in breadth and length, and fifteen in height.

Q. What did Sutphen tell you the box contained?

A. It was represented to me as containing wagon maker's tools.

Q. Did you, or any any else that you know of take any other freight for the said Sutphen?

A. I did not nor any one else that I am aware of.

Q. Do you know when Mr. Sutphen returned from Denver?

A. He remained there a short time, went into no business that I know of; he returned before I did, I believe.

Q, Where did you deliver that box?

A. The box was taken out of the wagon on the commons at Denver.

Q. Did you receive any information before you returned that that box did not contain wagon maker's tools?

A. I was informed by a person who went out in the train, that the box contained pistols; I wanted to know why he did not let me know that the box contained pistols, and he said that Sutphen was afraid I would raise a fuss with him; the person who gave me the information I understand is living in Kansas. JAMES CREIGHTON.

Sworn to and subscribed before me this 10th day of January, 1861.

JOHN M. THAYER, Chairman
Committee on Military Affairs.

HORACE G. SPENCER called and sworn:

Q. State whether you know anything in reference to the sale or other disposition of the public arms of this Territory by private parties.

A. I have no knowledge of the sale of any more than one dragoon revolver; I purchased this of Mr. A. D. Luce, and paid sixteen dollars in board.

Q. Have you any personal knowledge of any other disposition of the arms or accoutrements of this Territory by private persons?

A. I have none; Mr. Luce once loaned me a navy revolver to take on a trip to Denver, which I regard as property belonging to the Territory, and which I expect to return.

Q. Did Mr. Luce ever state to you or in your presence that he had sold or intended to sell or otherwise dispose of any of the arms of this Territory?

A. He said John M. Thayer demanded of him two pistols, which I understand he received by virtue of his office as Major General; he also stated to me that he had a box of arms sent to him, which was his private property, and he afterwards requested me to take one or two boxes of freight to Denver; I think this conversation took place some time in the month of August last past; I also heard him offer for sale to J. K. Wall a number of revolvers, which he declined to purchase.

H. G. SPENCER.

Subscribed and sworn to before me this January 16th, 1861.

SAMUEL W. BLACK, voluntarily appearing before the committee and requesting to be examined on this matter, sworn: I have seen the testimony of James Creighton, Jr., and positively state that Mr. Luce nor any other person had any power or authority from me to sell or dispose of pistols or other arms belonging to the Territory of Nebraska; I mean this for an unqualified contradiction of any statement in Mr. Creighton's testimony which directly or indirectly connects me with the alleged transactions in regard to the pistols, or other arms or accoutrements belonging to the Territory.

I also apply this unqualified denial to all that is said in the testimony of Thomas Riley, in which he stated that Mr. Luce told him that he (Luce) had made an arrangement with the Governor by which he was to be paid for services out of the arms. No such arrangement was made with Mr. Luce or any other man to my knowledge, and if Mr. Luce even said the Governor had a right to dispose of the arms as he saw fit by giving them away or selling them, his views and mine in no respect agree; my practice has invariably been to issue arms or accoutrements, when I thought it right or proper so to do, only by my written order and on a receipt being filed for the arms or accoutrements by the person receiving the same, and if there has been any deviation from this rule, in whole or in part, it was only when we were engaged in the Pawnee expedition, when arms may have been issued on a general written order or possibly by verbal direction, I myself having personal supervision of the expedition and of those who had the arms. If any arms were lost then they must have been stolen after or about the time of our return from the expedition. SAMUEL W. BLACK.

Sworn to and subscribed before me this 11th day of January, 1861.
JOHN M. THAYER, Chairman.

COLLINS S. MORRIS being called and sworn:

Q. Please state what you know, if anything, about the sale or other disposition of the public arms or accoutrements belonging to this Territory by private parties?

A. I do not know anything about it.

Q. State if you know anything about John J. or Dewitt C. Sutphen sending a box of pistols to Denver during the last year?

A. I do not.

Q. Did Mr. Luce ever offer you any pistols in trade or in any way, shape or manner?

A. He did not. COLLINS S. MORRIS.

Subscribed and sworn to before me this 11th day of January, 1861.
JOHN A. UNTHANK.

Having read the testimony given before the Committee on Military Affairs in the Council, who were authorized to investigate the matter of the "sale or other distribution of the public arms of this Territory by private parties." In the testimony of James Creighton, Jr., first answer, in which the said James Creighton, Jr., testified that I admitted in a certain conversation held with him, as therein described "that I had disposed of, or sent to be disposed of, ten brace of pistols, etc., I deny ever having admitted that I had disposed of the pistols to said Jno. C. Sutphen, as stated by him, said Creighton. I did however admit, and I never refused to admit that I loaned two pairs of pistols to the said Jno. C. Sutphen, which I claimed the right to do, as I was the custodian of the arms belonging to the Territory. In the third answer, wherein it is represented that I gave a power of attorney to said Jno. C. Sutphen, authorizing him the said Jno. C. Sutphen to sell any pistols which he had that were the property of the Territory, I deny in each and every particular said allegation.

Mr. John C. Sutphen had a power of attorney sent him by his brother, D. C. Sutphen, to sell either four or five watches and three pistols, which were my own property, which I purchased of returning emigrants and put into the hands of John C. Sutphen to dispose of for me as he (Sutphen) saw fit to do.

I make this declaration as there may have been a misunderstanding in relation to what may have been said by me in conversation with either Mr. Creighton or Mr. Riley, or any other person with whom I might have conversed with upon this subject at that time.

Mr. Sutphen (John J.) did, as stated by Mr. Creighton, settle with me when he returned from Denver for all the property which I let him have, both public and private.

In the testimony of Mr. Riley I deny having said that the Governor had a right to sell any government arms, but I may have said that so far as I knew, the Governor could dispose of them as he saw fit, for the Governor or Major General of the militia of the Territory as I understand the custom in such cases, can order me to issue any.

I never held any note or obligation of any kind in consideration of government arms, sold to either John J. or D. C. Sutphen or any other man living.

I deny in toto ever having sold any government arms to any person in Nebraska or elsewhere, except for repairs done in government arms.

Subscribed and sworn to before me this January 11th, 1860.

A. D. Luce.

The Committee on Enrolled and Engrossed Bills made the following report:

The Committee on Engrossed and Enrolled Bills beg leave to report as correctly enrolled, the following act:

"An act for the relief of King & Wood."

J. M. Thayer,
D. D. Belden.

The Committee on Enrolled Bills have presented to the Executive for his approval, the following act:

"An act for the relief of King & Wood."

J. M. Thayer,
D. D. Belden.

Mr. Little moved that the Clerk be instructed to spread upon the journals the entire evidence reported in the contested election case of W. C. Fleming and E. S. Dundy.

Carried.

Message from the Executive:

EXECUTIVE CHAMBER,
January 11th, 1861.

Mr. President:

And Gentlemen of the Council:

I am directed by the Governor, to inform your honorable body that he has signed and approved

"An act for the relief of King & Wood, on account of service rendered and horses furnished by said King & Wood, for the purpose of carrying on the expedition against the Pawnee Indians, in the summer of the year 1859." JOHN MCCONIHE, Private Sec'y.

Mr. Strickland, from select committee, made the following report, which was ordered to be spread upon the journals:

Mr. President:

Your select committee to whom was referred the question relating to the claim of King & Wood, have had the same under consideration, and beg leave to report the evidence back to the Council and make it a part of the report of your committee. Your committee would state that the evidence of Thayer, Chapman, King and Sealey was taken, and your committee ask that the same be made a part of this report and incorporated into the journals as a part thereof.

Your committee further state that they were unable to discover that any improper influence was used to induce members of the legislature to vote for the bill.

All of which is respectfully submitted. WM. H. TAYLOR,
T. M. MARQUETTE.

The minority of said committee would report that he concurs in the report of the majority of the committee, and would further report that he has as chairman of said committee, taken a further sworn statement of John M. Thayer, and which the minority of your committee have hereunto annexed and made a part of said minority report.

All of which is respectfully submitted. S. A. STRICKLAND.

To W. H. James, Sergeant-at-Arms of the Council:

You are hereby commanded to subpœna Jonas Sealy, James Chapman, A. J. Hanscom, R. Wood and C. King, to be and appear before the investigating committee, at the Herndon House in Omaha city, N. T., under pain of being attached for contempt.

[L. S.] Given under my hand and seal.

SILAS A. STRICKLAND.

8th day of January, 1861.

OMAHA, January 8th, 1861.
Committee Rooms, 6 o'clock P. M.

The special committee of investigation to whom was referred the matter of Wood and King, met at the committee rooms at 6 o'clock P. M.

Present—Silas C. Strickland, chairman, Wm. H. Taylor and T. M. Marquette.

The committee proceeded to appoint L. G. Jeffries to act as clerk.

J. M. THAYER introduced, and after being sworn testified as follows:

Q. What do you know about Wood & King's having furnished stock consisting of horses for the Pawnee expedition; state how many horses they furnished and how long they were in the service?

A. They furnished 19 horses and they were in the service 22 or 23 days.

Q. In what business were Wood & King engaged at the time, and where did they reside?

A. They were in the livery business, in Omaha city.

Q. How far from Omaha city did these horses travel before they returned to said city?

A. As near as we could judge, about 300 miles; it was supposed to be from 150 to 160 miles from Omaha.

Q. In what season was this?

A. In July, 1859.

Q. How many horses belonging to Wood & King died during the 22 or 23 days they were in the service?

A. Nine died during that time; there were two left behind that were unable to come in.

Q. What were the condition and value of these horses that were left behind? were they not broken down, worn out livery horses?

A. The horses were in fair condition when we started; some of them were very good horses.

Q. At whose instance was this expedition inaugurated?

A. By the Secretary and Governor of the Territory.

Q. Do you know what livery horses were worth per day in Omaha city, in July, 1859?

A. I do not.

Q. Was there any horses or men killed? or was there any engagement with any Indian tribe during this expedition of 20 or 23 days?

A. There were no horses killed; the troops came upon the Indians and the Indians surrendered; the line was formed, the cannon was planted, and the chiefs of all the different bands came forward throwing down their arms and raising white flags. The interpreter was directed to communicate with them, and they asked to have a council; they acknowledged that their young men had committed these depredations, and offered to give them up, and did bring forward six, which were delivered up; two of them were shot as they were trying to escape the next day. The guard so informed me; I did not see it done.

Q. Who were governor, secretary, and marshal in July, 1859, of the Territory of Nebraska?

A. Samuel W. Black, J. Sterling Morton, secretary, and Wm. A. West, marshal.

.Q Were these officers all present during the 20 or 23 days the expedition lasted?

A. Mr. Morton was not with the expedition at all; Gov. Black and Marshal West were with the expedition.

Q. Was the Governor commander-in-chief of the expedition by virtue of his office?

A. He was. But he gave me the entire direction of the expedition. He informed me that he would accompany me for the purpose of advising. I had the sole command of the forces engaged in the expedition.

Q, What was the conduct of the Governor during the 20 or 23 days of this expedition?

A. I have stated that I had the entire control of the affairs myself.

Q. Were the officers and men engaged in this expedition, sober and discreet during its continuance?

A. The officers and men under my command were sober and discreet as far as I recollect.

Q. Who used Wood & King's horses in this expedition?

A. They were used by the Omaha Artillery Company. Four at first were used on the field piece, and afterwards six; four were used on the baggage wagon; the others were rode by the members of the artillery company.

Q. Where did Wood & King send these horses after this expedition?

A. I do not know.

Q. Have you heard from either Messrs. Wood & King, or from anybody of the Legislature that Wood & King were to give any portion of the sum allowed by the Legislature to outsiders or attorneys for pressing their claims for remuneration upon the consideration of the Legislature?

A. I have never heard an intimation of the kind from any source whatever.

Q. Have you heard Wood & King say anything about their claim?

A. I was present one day, and the subject was alluded to by either Wood or King, but it was so indefinite I do not recollect what was said, but I have an impression that he was doubtful whether he would put in a claim or not, before this Legislature.

Q. Whose baggage wagons, harness and saddles were used with Wood & King's horses on this expedition?

A. King & Wood's.

Q. Was the cannon a heavy freight for four horses to draw across the plains?

A. It was, for the reason that there was no road and it was a very rough country.

Q. Were these horses of King & Wood's good and likely horses when they started on this expedition?

A. They were good horses.

Q. How many miles beyond settlements did this expedition travel, as near as you can tell?

A. About 100 miles beyond settlements, as near as we could judge.

Witness here asked leave to make another statement.

Leave being granted he stated as follows, to wit:

These horses had altogether the severest part of the service to perform, we could not relieve them when we came to bad places, as we could others; there was no racing at all; these horses were used discreetly as they could be under the circumstances.

JOHN M. THAYER.

Subscribed in my presence, and sworn to before me, this, the 8th day of January, 1861. SILAS A. STRICKLAND,
Chairman.

JAMES G. CHAPMAN, being first duly sworn, deposed and said as follows:

Q. Where do you reside, and what is your occupation?

A. Omaha city; I am a practicing attorney.

Q. Were you acquainted with Wood & King in July, 1859?

A. I was.

Q. What business were they then engaged in?

A. Livery business.

Q. What was the condition of their livery horses in July 1859?

A. Prior to the 9th day of July, I am not so very familiar with the general condition of their stock; I only know that they were like horses generally in this country, some looking pretty well, and others not so well; I think it was the 9th day of July, that I caught up with General Thayer's Pawnee expedition, and at that time they showed evidences of hard using.

Q. Where was General Thayer and the Pawnee expedition on or about the 9th day of July, 1859.

A. I think about thirty miles from Fontenelle.

Q. How was the road from Fontenelle to Omaha city, and how far is that place from Omaha?

A. Good; about 35 miles.

Q. How was the grass on the road traveled by this expedition in July. 1859?

A. With a few exceptions it was good.

Q. Was there any *necessity for driving* so as to injure these horses?

A. There was not and we rarely went out of a walk.

Q. Did you accompany the expedition out and back after you overtook them at the point designated by you?

A. I left Omaha with Gov. Black and a portion of the Governor's troops, kept with them until we were disbanded at Columbus, in Platte county.

Q. Did King & Wood lose any of their horses while engaged in this expedition by death or theft?

A. Not while I was with the expedition that I heard of.

Q. Did the stock of King & Wood look quite as well when you left them as when you overtook them?

A. They did not.

Q. Do you know of your own knowledge or from the statement of Wood & King what they did with the greater portion of said horses which were used in the expedition after they returned?

A. I don't remember, although I had frequent conversation about them, were in pasture and I think probably some of them were used for livery, have heard that they used some for freighting, but do not know from my own personal knowledge.

Q. Did you ever hear Wood & King say that they would be willing to give a part of their claim if they would get the Legislature to allow it?

A. Mr. Wood I know never did to me. I have heard Charlie King speak about it frequently, and tell how he would manage it, but I don't remember what he did say.

Q. State all you remember of Charlie King's saying in connection of getting his claim before the Legislature?

A. In the first place Charlie King is a great talker and says a great many things which I presume he is not in earnest about, and I can only account for my not recollecting distinctly what he did say from the fact that I always paid little heed to what he said. I heard him talk about it last year, but I can't remember what he did say.

Q. Do you know any person or persons who are not members of the Legislature who have taken an active part in urging the claim of Wood & King's for $2,500 or $4,000, if so please state who they are?

A. Not of my own knowledge.

Q. Do you know from any other source of any person or persons or urging their claim who are not members of the Legislature. If so, state who they are?

A. I have heard that Hanscom and Sealy were trying to put it through.

Q. Do you know what livery horses were worth per day in July, 1859?

A. For a single horse I think about two dollars, am not positive.

Q. Were these horses of Wood & King's used and drove in this expedition so as to seriously injure them to the best of your knowledge and belief?

A. They were badly used and badly treated, and they were injured. I mean they were abused in the expedition. I don't know the full extent of their injuries, but know that they were very much damaged.

Q. Were these horses of King & Wood compelled to do more service and harder work in drawing the cannon and the baggage wagon and less relieved than other horses in the expedition?

A. They were, more than a portion of the other horses.

Q. From your knowledge of the treatment of these horses by King & Wood before the expedition, in graining them and using them to light work, was this not a heavy draught on the same horses in the expedition, without grain, sufficient to ruin and unfit said horses entirely from use after their return?

A. I think not; if Mr. King had been there himself, and taken such care as an owner would of his stock, I think they would have come back a great deal better than they did, or probably with no great injury.

Q. Did the Governor make any effort while you was with the expedition, to have the stock of Wood & King well used and cared for?

A. I don't know of his taking any care or watch over them; the only officer in the whole expedition that I noticed that took any particular care of the stock, was Lieut. Robison, who was very particular about the use and care of the government horses; and I would here say that I believe the government horses sustained no injury owing to this care, and I believe that the other horses would have fared much better if they had received the same amount of care that the horses of the United States did.

Q. Did the government horses draw any cannon or baggage wagons?

A. The government stock consisting of mules drew a large government baggage wagon and an army ambulance, the horses were used by dragoons.

Q. Was the government baggage wagon drawn by six mules, as heavy a draught in wagon and load as the baggage wagon and load drawn by four of Wood & King's horses?

A. I couldn't say; the wagon was large and looked heavy, but don't know how heavy it was loaded.

Mr. Chapman makes the following explanation to answer No. 21: I mean that if Mr. King had been there he would not have permitted the horses to do the service of drawing the wagons and being ridden on scouting expeditions as they were on several occasions, I think.

James G. Chapman.

Sworn to and subscribed before me, this 8th day of Jan., 1861.

Silas A. Strickland, Chairman Com.

Gen. J. M. Thayer asked leave to make the following statement.

Leave granted.

King & Wood sent along with their stock an hostler, whose duty was especially to look after their stock; I cautioned him and others who used them to be careful in the use of them; Lt. Robinson, of the U. S. army was lieutenant-colonel of the expedition and S. P. Reed was major, and they had directions from me to see that their men paid proper attention to the stock and other property. The government horses and mules were in most excellent condition—six heavy mules on one heavy baggage wagon. The others were dragoon horses, both they and the mules being accustomed to service on the plains and having been selected with special reference to their powers of endurance, and I think were provided with grain feed.

The horses of King & Wood traveled at the same rate of speed and had the same opportunities and time for rest and grazing as all the rest; very few of them (King & Wood's) were used in scouting parties; my recollection is that Albert Clark never went in a scouting party but twice. None of the government horses or mules were used in that particular service.

The heat during the whole of the expedition was excessive, and almost every day of the expedition after the first week, horses other than those of King & Wood gave out, and had to be taken out of the teams.

I did not communicate to J. G. Chapman what I did, or what steps I took to have the stock properly cared for. Mr. Chapman is prosecuting attorney for this Judicial District. I recently voted in the Council in favor of reducing the salary of the district attorney from one thousand dollars to seven hundred dollars, and have consequently, as I believe, incurred Mr. Chapman's vindictive hostility,

JOHN M. THAYER.

Subscribed and sworn to before me this, the 11th day of January, 1861.

SILAS A. STRICKLAND,
Chairman Committee.

CHARLES KING being duly sworn, deposeth and saith:

Q. Where do you reside, and are you one of the firm of Wood & King?

A. Omaha, and am one of the firm of Wood & King.

Q. Have you promised any Republicans or Democrats either in or out of the Legislature any part or portion the Legislature might allow you and Wood for a petition to get a bill through the Legislature for that purpose on your getting the bill now pending through the Legislature?

A. I bought a lot of J. H. Wilson over one year ago, for which I was to give him four hundred dollars out of the first money I should receive in payment of this claim. Mr. Seely is my attorney and drew up both bills, and I have never asked him what he would charge me. I have never offered anything to any member of the Legislature, nor to any Democrat to help me get that bill through. I had a talk with Mr. Webster, and asked him if he would help me get that bill through the Legislature. He said he thought it was all right; that the bill was honest; that we would have to spend something to get it through, but for himself he did not want, and would not take a shilling, but that he would see Mr. Lockwood and Mr. Taylor and he thought they might go for it. That is all I have ever had to say about offering or anything of the kind.

Q. Have you either directly or indirectly promised any one in or about the Legislature for his assistance in getting the bill through the Legislature, and if so, how much?

A. I employed Seely as my attorney, but I never asked him what he charged, and no further than my other answer; I say further, that I can't say what Mr. Seely has done as my attorney.

Q. Have you and Wood ever assigned the claim now pending before the Legislature to Mr. McCormick?

A. No more than that the bill was drawn by my attorney in McCormick's name by my directions as I was owing McCormick.

C. B. KING.

Subscribed and sworn to before me this 8th day of January, 1861.

S. A. STRICKLAND, Chairman Committee.

R. WOOD being first duly sworn deposeth and saith as follows:

Q. Are you one of the firm of King & Wood?

A. I am.

Q. Have you either directly or indirectly promised any person in or out of the Legislature, any part of what might be allowed you by the Legislature for his or their assistance in helping you to get a bill through the Legislature for the relief of McCormick assignee of Wood & King, or for the relief of Wood & King?

A. No sir!

Q. Who have you and King employed to urge and press your claims upon the consideration of the Legislature?

A. Mr. Seely is our lawyer generally, and I have never employed any one else to help get the bill through.

Q. Do I understand you to say that you employed a lawyer to get the bill through, and why was it necessary to employ a lawyer, and why was the bill drawn in the name of McCormick as assignee?

A. No sir. I did not employ a lawyer to put the bill through. It was drawn in McCormick's name because Mr. McCormick had it done, King being indebted to McCormick. R. Wood.

Subscribed and sworn to before me this, the 8th day of January, 1861. S. A. Strickland, Chairman Committee.

Jonas Seeley, being first duly sworn, deposeth and saith as follows:

Q. State whether you are the attorney of Wood & King?

A. I am.

Q. State what you know, if anything, about any corrupting or undue influences having been made or used by King or Wood or any other person to procure the passage of the bill under contemplation?

A. I don't know that any corrupt influences have been used by any person whatever to procure the passage of this bill. In talking with King in relation to its passage, I told him that I thought the bill would pass for $4,500, as I believed that would not be more than they were justly entitled to, unless it should be strongly opposed by Taylor and Dundy, and I apprehended they might oppose it, as I believed them to be strong South Platte men, and might oppose their bill on the ground that they lived in Omaha, if for no other reason, and it might possibly be necessary to provide something to satisfy them in relation to it. King said rather than lose his claim entirely he would be willing to give away a part of it if necessary. We also agreed that we would ask Mr. Webster to see them about the matter and find out how they felt. I spoke to Mr. Webster about it; he said he would see them and see whether they would go for it or not, and report. Since that time I have frequently talked with Mr. Webster about it, but have been unable to ascertain from him how they stood upon the bill.

Q. What reason had you for telling Mr. King that Taylor would go against the bill on account of his locality?

A. I have observed your conduct as a member of the Council, have heard you make public speeches and from your general conduct and conversation both inside and out of the Legislature, and what I have heard of you, I have formed that opinion of you.

Q. What specific acts do you know of Taylor having done in the Council to induce you to make such statements about Taylor?

A. I don't know that I can particularize.

Q. What declarations have you ever heard Taylor make out of the Council to induce you to make the statements you did to Mr. King?

A. I don't know as it was the result of any particular declaration, but it was an apprehension founded upon what I knew and had heard of him generally.

Q. When and where did you ever hear Taylor say or intimate either in a public speech or elsewhere, that he would not act justly towards Omaha or the citizens of Omaha?

A. I never heard him say that he wouldn't act justly towards the citizens of Omaha at any time, but I came to that conclusion from general observation, and what I had heard of him and his feelings, without being able to specify any thing in particular, except that I now think of one report in relation to him which I believed, and made by Mr. Folsom, which was that Mr. Taylor had said he had went to Washington and helped to defeat the Capitol appropriation, and he thanked God for it, and that North Platte should not have any more appropriations until South Platte had some, if he could help it.

Q. Did you know at the time you told Mr. King what you did, that Mr. Taylor had denied in a public letter, the statement of Mr Folsom?

A. I saw a letter printed in the *Republican* purporting to be by Taylor in which he undertook to deny the statement made in a letter written by Mr. Folsom and printed in the *Nebraskian*.

Q. Do you mean to say that you and King employed E. D. Webster to offer Taylor and Dundy a consideration for their votes in favor of the bill for the relief of Messrs. King & Wood, or the bill for the relief of McCormick, assignee of Wood and King?

A. No sir. I mean to say that we, or myself, requested Webster to see that gentleman and ascertain how they felt on this bill.

Q. What do you mean, then, when you say that Webster was to see them, and King was willing to give a portion of his claim if necessary, to carry the bill or get their support?

A. I have made no such statement in any such connection as you have recited in your question.

Q. Does not King & Wood reside in Omaha, and was there any reason why the claim was not presented to the Legislature sooner than it was.

A. King & Wood do live in Omaha, and while I believe the claim to be a just one, and that their bill ought to be passed without objection, our apprehensions that opposition might be made to it by those gentlemen I have named, and they procure its defeat, we kept back the bill for no other reason than to ascertain, if possible, whether the bill would pass before we introduced it, fearing that if it was refused by this Legislature their claim might be prejudiced by it before any future Legislature, or the General government, if they should make their application there.

Q. Explain fully what you mean when you say it might possibly be necessary to provide something to satisfy them, meaning Dundy and Taylor in relation to this claim?

A. I think I have already explained fully to the satisfaction of any intelligent gentleman who has been paying attention.

Q. Do you mean when you say that it might possibly be necessary to provide something to satisfy them, meaning Taylor and Dundy, that you meant it would be necessary to bribe them or pay them something for voting for this claim, and that you would so pay them, if it became necessary in order to pass the bill?

A. I don't think I have so stated, and its not my intention to state so now; besides what I have said upon this point here was the recital of a conversation which I directed to Mr. King and myself, a suggestion in regard to an emergency that might or might not happen.

JONAS SEELY.

Subscribed and sworn to before me this, the 8th day of Jan., 1861.

SILAS A. STRICKLAND, Ch'n Com.

Message from the Executive:

EXECUTIVE CHAMBER,
Omaha, January 11th, 1861.

Mr. President:

And Gentlemen of the Council:

The Governor has directed me to inform your honorable body that he has signed the following bills:

An act to confirm the title of John McConihe and Wm. Thomas Clark to certain real estate in the city of Omaha, Territory of Nebraska.

JOHN MCCONIHE, Private Secretary.

Mr. Mathias, from a committee of the House reported that the House was ready to adjourn.

Upon motion of Mr. Strickland,

A committee of two was appointed to confer with the House committee and the Governor, and agree upon an hour for adjournment.

Messrs. Strickland and Tipton were appointed.

Committee reported that the House had resolved to adjourn at 8 o'clock P. M., *sine die*.

On motion of Mr. Strickland,

Council resolved to adjourn at same hour.

The Committee on Enrolled Bills made the following report:

The Committee on Enrolled Bills have presented to the Executive for his approval correctly enrolled, the following acts:

"An act to vacate a territorial road in Cass county, N. T."

"An act to incorporate the Nebraska city, Fort Kearney and Denver city freight and express company."

"Joint resolution in favor of Robt. S. Knox."

"A joint resolution relative to the printing of the laws."

J. M. THAYER,
D. D. BELDEN.

On motion of Mr. Strickland,

The reading of the journal was dispensed with.

Message from the Executive:

EXECUTIVE CHAMBER,
Jan. 11th, 1861.

Mr. President:

And Gentlemen of the Council,

I am instructed to inform your honorable body that the Governor has signed and approved

" An act to amend the charter of the city of Omaha.

JOHN McCONIHE, Private Secretary.

Mr. Thayer introduced the following resolution:

Resolved, That we hereby heartily and cordially endorse the official conduct of the Executive of this Territory, his Excellency Hon. Samuel W. Black, for his gentlemanly and courteous treatment of the members of the Legislature, and for the prompt, efficient and energetic manner in which he has discharged the duties devolving upon him during the session of this Legislature and during his term of office.

Adopted.

The hour for adjournment having arrived, the President declared the Council adjourned *sine die.*

E. P. BREWSTER, Chief Clerk.

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